LAWS

OF

NEW-YORK,

FROM

The 11th *Nov.* 1752, to 22d *May* 1762.

Publiſhed according to an Order *of the* General Aſſembly.

THE

SECOND VOLUME,

WITH

A TABLE common to both VOLUMES.



Miſera Servitus eſt ; ubi Jus eſt Vagum
aut Incognitum. 4th Inſt. 246, 332.

Digeſted by WILLIAM LIVINGSTON, *And*
WILLIAM SMITH, *jun.*

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1691

1763

E R R A T A.

IN Pages 117, 118, 119, and 120, for the 30th Year of the King's Reign at the Top of the Pages in the Margin, read the 31ſt.

Note---*That thoſe Acts in the 1ſt Vol. not in Force when the 2d was edited, are not referred to in the Table; and that ſome Acts in the 2d Vol. are printed which loſt their Force by Expiration or Repeal, before the Edition of this Vol. was compleated.*

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The Twentieth Assembly, held in the Twenty Sixth Year of the Reign of King GEORGE the Second, begun the Twenty Fourth of *October*, 1752.

FIRST SESSIONS.

The Honorable GEORGE CLINTON, Governor.

CHAP. I.

An ACT *further to continue the two Acts therein mentioned, for and towards supporting the Government of this Colony.*

Pass'd the 11th November, 1752.

See Chap. 918 1 Vol. of the Laws of *New-York*, edited in 1752.

CHAP. II.

An ACT *to continue an Act, entitled* An *Act*, to regulate the Guaging of Rum, Brandy, and other distilled Liquors and Molasses, and other Purposes therein mentioned.

Pass'd the 11th November, 1752.

See Chap. 904 1 Vol. continued by Chap. 132, to 1st January 1765.

WHEREAS an Act, entitled, *An* Act *to regulate the Guaging of Rum, Brandy, and other distilled Liquors, and Molasses, and other Purposes therein mentioned*, passed in the Twenty-fourth Year of his present Majesty's Reign, will expire by its own Limitation, on the First Day of *January* now next ensuing; and the said Act having been found very beneficial to the Inhabitants of this Colony,

I. **Be it Enacted** *by his Excellency the Governor, the Council, and the General Assembly, and it is hereby* **Enacted** *by the Authority of the same*, That the above-mentioned Act, entitled, *An* Act *to regulate the Guaging of Rum,*

The Act continued.

26th GEORGE II A. D. 1752.

Brandy, and other diſtilled Liquors, and Molaſſes, and other Purpoſes therein mentioned; ſhall be, and hereby is continued, and every Article, Clauſe and Thing therein contained, **Enacted** to be and remain of Force, from the aforeſaid Firſt Day of *January* next, until the Firſt Day of *January*, which will be in the Year of our Lord, One Thouſand Seven Hundred and Fifty Eight.

CHAP. III.

An ACT *to prevent Damages by Swine in the Manor of* Livingſton.

Paſs'd the 11th November, 1752.

WHEREAS ſeveral of the Inhabitants within the Manor of *Livingſton*, in the County of *Albany*, have been, and ſtill are very negligent and remiſs about their Swine, in ſuffering them to run at large, without any Manner of Care or Reſtraint; ſo that they often get into their Neighbours Corn-Fields, Orchards, Gardens, and other Incloſures, and thereto do conſiderable Hurt and Damage, as alſo in rooting up the Woods near the Iron Works: To prevent which for the Future,

I. **Be it Enacted** *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That from and after the Publication of this Act, it ſhall and may be lawful, for all and every the Inhabitants within the ſaid Manor of *Livingſton*, from Time to Time, and at all Times hereafter, during the Continuance of this Act, to take and impound, in any Pound or Place within the ſaid Manor, either publick or private, all Swine ſmall or great, which ſhall be found running at large on the Commons, High-ways, or unincloſed Lands; or ſhall get into their, or any of their Corn-Fields, Orchards, Gardens, or other Incloſures, contrary to the true Intent and Meaning of this Act; until the Owner or Owners of ſuch Swine ſhall pay, and ſatisfy the Perſon or Perſons, who ſhall ſo take and impound them, for every grown Swine, eſteemed Six Months old and upwards, the Sum of *Nine-pence*, current Money of this Colony; and for every Swine under that Age, or ſo eſteemed, *Six-pence*, in like Money, beſides the Damages ſuch Perſon or Perſons ſhall have ſuſtained, by Means or Reaſon of ſuch Treſpaſs or Treſpaſſes, with the Charge of Feeding the ſaid Swine during the Time of their being impounded; which Damage and Charge, ſhall be aſcertained by any Juſtice of the Peace of the ſaid Manor or County, taking to his Aſſiſtance, two of the neighbouring Freeholders of the ſaid Manor, under Oath; or by the Lord of the Manor, aſſiſted by two of the neighbouring Freeholders, under Oath, to appraiſe the ſaid Damages and Charge. *Always provided*, That this Act (nor any Part thereof) ſhall not extend, or be conſtrued to extend to any Swine whatſoever, which ſhall or may be found running at large, on the Lands of the Owner or Owners of the ſaid Swine, tho' the ſaid Lands lie common or unincloſed; any Thing herein before contained to the contrary notwithſtanding.

Swine running at large, may be taken up and impounded,

and a Fine paid for them.

Proviſo.

II. **And be it further Enacted** *by the Authority aforeſaid*, That in caſe the Owner or Owners of ſuch Swine, ſo taken, kept, and impounded as aforeſaid, ſhall, or will not, within Forty-eight Hours after due Notice thereof had, of ſuch taking, keeping, and impounding, redeem their Swine, by paying the ſaid Penalty, Damages and Charges, impoſed by this Act; that then it ſhall

and

and may be lawful for the Perſon or Perſons, ſo taking, keeping, and impounding ſuch Swine, to expoſe them to open Sale to the higheſt Bidder, firſt giving at leaſt Forty-eight Hours publick Notice of ſuch Sale by Advertiſement; and out of the Money ariſing by ſuch Sale, to retain in their own Hands, ſo much as ſhall be allowed for the Damages and Charges decreed by the Juſtice and two Freeholders, or by the Lord of the Manor and two Freeholders, with the other Penalties laid by this Act as aforeſaid; and the Overplus, if any be, ſhall return to ſuch Owner or Owners, he, ſhe, or they, proving to be the true Owner or Owners of ſuch Swine; and if no ſuch Owner or Owners do put in their Claim, and prove themſelves the true Owners within Three Months after ſuch Sale, then it ſhall be paid to the Elders and Deacons, of the *Dutch* Proteſtant Church, in the ſaid Manor, for the Uſe of the Poor in the ſaid Manor. **Provided nevertheleſs,** That no Perſon or Perſons whatſoever, not being Freeholders or Inhabitants, ſhall have any Power by this Act, to take up or impound any Swine as aforeſaid. This Act to continue in Force, to the Year One Thouſand Seven Hundred and Sixty Five.

Swine not redeemed in 48 Hours, may be ſold at Vendue.

CHAP. IV.

An ACT *to continue an Act, entitled,* An *Act* to prevent the Exportation of unmerchantable Flour, and the falſe Taring of Bread and Flour Caſks; *with an Addition thereto.*

See Chap. 899 1ſt Vol. continued by Chap. 129. Poſt.

Paſs'd the 11th November, 1752.

WHEREAS an Act, entitled *An* Act, *to prevent the Exportation of unmerchantable Flour, and the falſe Taring of Bread and Flour Caſks,* paſſed in the Twenty-fourth Year of his preſent Majeſty's Reign, will expire by its own Limitation, on the Firſt Day of *January* next: And the ſaid Act, having been found by Experience, to be very uſeful and beneficial to maintain the Credit of our Staple Commodities;

I. **Be it therefore Enacted** *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the above-mentioned Act, entitled, *An* Act *to prevent the Exportation of unmerchantable Flour, and the falſe Taring of Bread and Flour Caſks*; ſhall be, and hereby is continued, and every Article, Clauſe and Thing therein contained, enacted to be, and remain in full Force, until the Firſt Day of *January,* which will be in the Year of our Lord, One Thouſand Seven Hundred and Fifty Eight, except ſo much thereof as is altered by this Act.

The Act continued.

II. **And whereas** it is provided and enacted by the aforeſaid Act, That all Wheat Flour bolted for Exportation, ſhall, by the Bolter thereof, be made merchantable and of due Fineneſs, and honeſtly and well packed in good ſtrong Caſks, well made, and of Staves well ſeaſoned, with the Tare of the Caſks marked thereon; and each and every Caſk thereof, well and ſufficiently nailed, on the Forfeiture of *One Shilling* for each Caſk made contrary to the ſaid Proviſion; which ſaid Forfeiture of *One Shilling,* being conceived to be too large: **Be it Enacted** *by the Authority aforeſaid,* That for, and during the Continuance of this Act, the Forfeiture for the ſaid Offence ſhall be *One Penny* for each Caſk, and no more; any Thing in this or in the aforeſaid Act to the contrary notwithſtanding.

Forfeiture for bad Caſk.

CHAP.

26th GEORGE II
A. D. 1752.

CHAP. V.

An ACT *for altering the annual Meeting of the Supervizors of the County of* Ulſter.

Paſs'd the 11th November, 1752.

WHEREAS by an Act, entitled, *An* Act *for the better explaining, and more effectual putting in Execution, an Act of General Aſſembly, made in the Third Year of the Reign of their late Majeſties King* WILLIAM *and Queen* MARY, *entitled,* An *Act for defraying of the publick and neceſſary Charge throughout this Province, and for maintaining the Poor, and preventing Vagabonds*; It is amongſt other Things enacted, That the Supervizors of the ſeveral Counties within this Colony, ſhall annually meet on the Firſt Tueſday in *October*; which ſaid Firſt Tueſday in *October*, has been found very inconvenient for the Meeting of the Supervizors of the County of *Ulſter*.

The Supervizors to meet the firſt Tueſday in *May*.

I. **Be it therefore Enacted** *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That after the Publication of this Act, the Supervizors of the County of *Ulſter*, ſhall not annually meet on the Firſt Tueſday in *October*, but ſhall annually meet on the Firſt Tueſday in *May*, and ſhall then annually proceed on the ſaid Firſt Tueſday in *May*, in the ſame Manner as they were to have done on the Firſt Tueſday in *October*; and the ſaid Supervizors, ſhall be liable to the ſame Fines and Forfeitures, as they were before the Publication of this Act; any Thing in the before mentioned Act, to the Contrary hereof in any wiſe notwithſtanding.

CHAP. VI.

Expired 1ſt January 1755.

An ACT *to continue the three Acts therein mentioned, for ſupporting the Garriſon and Trading-Houſe at* Oſwego, *with an Addition thereto.**

Paſs'd the 11th November, 1752.

* See Chap. DCCLXIV. Chap. DCCCLXXIII. and Chap. DCCCXCV. of 1ſt Vol. which are the Acts hereby continued.

CHAP VII.

Provided for Chap. XXIII. Poſt.
Expired 1ſt January 1754.

An ACT *to let to Farm the Exciſe on Strong Liquors retailed in this Colony, from the firſt Day of* January *One Thouſand Seven Hundred and Fifty-three, to the firſt Day of* January, *which will be in the Year of our Lord One Thouſand Seven Hundred and Fifty-four.*

Paſs'd the 11th November, 1752.

CHAP. VIII.

Obſolete.

An ACT *to confirm the Courts of General Seſſions of the Peace, and Common Pleas, held for the County of* Richmond, *on the firſt Tueſday in* October *laſt.*

Paſs'd the 11th November, 1752.

[This Act was occaſioned by the Statute for altering the Stile of the Year. The September Court in *Richmond*, was, by an Ordinance, fix'd to the fourth Tueſday of that Month, which this Year fell out to be the firſt Tueſday of *October*, according to the New Stile.]

CHAP.

CHAP. IX.

27th GEORGE II. A. D. 1753.

An ACT *for the Payment of the Salaries and Services of the Government, until the firſt Day of* September *One Thouſand Seven Hundred and Fifty Three.*

Obſolete.

Paſs'd the 11th November, 1752.

The Twentieth ASSEMBLY.

SECOND SESSIONS.

CHAP. X.

An ACT *to amend an Act, entitled,* An *Act* for the more effectual cancelling the Bills of Credit of this Colony.

See Chap. 861 Vol. 1.

Paſs'd 4th July, 1753.

WHEREAS one of the Commiſſioners appointed by an Act, entitled, *An* Act *for the more effectual cancelling the Bills of Credit of this Colony*, paſſed in the Twenty Firſt Year of his Majeſty's Reign, is ſince deceaſed, and other Inconveniencies may ariſe by the Death or other Diſability of the Perſons named and appointed in the ſaid Act.

I. **Be it Enacted** *by the Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That inſtead of the Perſons named in the before-mentioned Act, the Speaker of the General Aſſembly, and the Four Members for the City and County of *New-York* for the Time being, ſhall be and hereby are appointed Commiſſioners for cancelling the Bills of Credit of this Colony, purſuant to the Directions of the aforeſaid Act as fully to all Intents and Purpoſes whatſoever, as if they had been expreſsly named therein.

The Speaker and Members of the Aſſembly for *New York*, appointed Commiſſioners for the cancelling the Bills of Credit.

II. **And be it further Enacted** *by the Authority aforeſaid,* That in caſe it ſhould ſo happen, that at the Time or Times of cancelling the ſaid Bills of Credit appointed in and by the ſaid Act, there ſhould be no General Aſſembly in Being; then and in ſuch Caſe, the Speaker of the laſt General Aſſembly, before ſuch Time or Times of cancelling, with the Four Perſons who were Members of the ſaid laſt General Aſſembly for the City and County of *New-York*, ſhall be and hereby are impowered and authorized to act as Commiſſioners for cancelling the ſaid Bills of Credit; and whatſoever they ſhall do in Execution of the ſaid Act, ſhall be allowed, deemed, and eſteemed, and is hereby declared to be as good and valid, to all Intents, Conſtructions and Purpoſes whatſoever, as if the ſaid laſt General Aſſembly, of which they had been Members, was then actually in Being; any Thing in this or in the aforeſaid Act to the contrary notwithſtanding.

In caſe no Aſſembly in Being, then the Members of the laſt Aſſembly.

III. AND whereas the preſent Speaker of the General Aſſembly, and the preſent Members thereof for the City and County of *New-York*, have offered to perform the ſaid Service without any Reward for the ſame, and deſired that it may be ſo enacted accordingly; **Be it Enacted** *by the Authority aforeſaid,* That for the future, no Reward or Allowance ſhall be made to the ſaid Commiſſioners for performing the ſaid Service; any Thing in the aforeſaid Act to the contrary notwithſtanding.

No Reward for ſaid Service.

27th GEORGE II A. D. 1753.

CHAP. XI.

Obſolete.

An ACT *for raiſing the Sum of* One Thouſand One Hundred and Twenty Five Pounds, *by a publick Lottery, for a further Proviſion towards founding a College for Advancement of Learning within this Colony.*

Paſs'd the 4th July, 1752.

CHAP. XII.

See Chap. 676, Vol. 1.

An ACT *farther to continue the Duty of Exciſe, and the Currency of the Bills of Credit emitted thereon, for the Purpoſes in the former Act, and herein mentioned.*

Paſs'd 4th July, 1753.

WHEREAS by an Act of the Governor, Council, and General Aſſembly, entitled, *An* Act *for laying an Exciſe on all Strong Liquors retailed in this Colony*, paſſed the Twelfth Year of her late Majeſty Queen ANNE, there was granted to and for the Uſes in the ſaid Act particularly mentioned, a Duty of Exciſe on all Strong Liquors retailed in this Colony, for the Term of Twenty Years, to determine on the Firſt Day of *November*, in the Year One Thouſand Seven Hundred and Thirty Four; which, by ſeveral ſubſequent Acts, has been prolonged to the Year One Thouſand Seven Hundred and Fifty Seven.

And whereas it has been the Intention of the Legiſlature for ſeveral Years paſt, to eſtabliſh a Seminary within this Colony for the Education of Youth in the liberal Arts and Sciences: And as at preſent no other Means can be deviſed, than by a further Continuance of the aforeſaid Act, and the Bills of Credit iſſued thereupon; and his Excellency the Governor having been pleaſed to approve of the Intentions of the General Aſſembly to proceed upon that good Deſign at this Seſſion, as ſignified by their Votes at their laſt Meeting; the General Aſſembly therefore pray it may be enacted; And,

The Duty of Exciſe continued to the Year 1767.

I. **Be it Enacted** *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the before-mentioned Act, entitled, *An* Act *for laying an Exciſe on all Strong Liquors retailed in this Colony*; and every Clauſe, Matter, and Thing therein contained, ſhall, from the Firſt Day of *November*, which will be in the Year of our Lord One Thouſand Seven Hundred and Fifty Seven, (to which Time the ſaid Duty on Exciſe was continued by an Act paſſed in the Thirteenth Year of his preſent Majeſty's Reign) be, remain and continue of full Force and Virtue, to all Intents, Conſtructions and Purpoſes whatſoever, until the Firſt Day of *November*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty Seven.

500l. per Ann. for 7 Years, to be paid out of the Exciſe Fund to the Truſtees of the College.

II. **And be it further Enacted** *by the Authority aforeſaid,* That the Treaſurer of this Colony for the Time being, is hereby enabled and directed, to pay unto the Truſtees mentioned and appointed in and by an Act paſſed in the Twenty-fifth Year of his preſent Majeſty's Reign, entitled, *An* Act *for veſting in Truſtees the Sum of Three Thouſand Four Hundred and Forty-three Pounds Eighteen Shillings, raiſed by Way of Lottery, for erecting a College within this Colony*, out of the Monies ariſing by the Duty of Exciſe, the annual Sum of *Five Hundred Pounds*, for and during the Term of Seven Years, to commence from and after the Firſt Day of *January* now next enſuing; to be by

by them apportioned and diſtributed in Salaries, for the chief Maſter, or Head of the Seminary, by whatever Denomination he may be herrafter called, and for ſuch and ſo many other Maſters and Officers, Uſes and Purpoſes, concerning the Eſtabliſhment of the ſaid Seminary, as the ſaid Truſtees ſhall, from Time to Time, in their Diſcretions, think needful: *Always provided*, That the whole Charge and Expence of the ſame, do not exceed the above Sum of *Five Hundred Pounds* a Year; any Thing in the Acts aforeſaid to the contrary notwithſtanding.

The Truſtees to apportion the Salaries of the Maſters, &c.

III. **And be it further Enacted** *by the Authority aforeſaid*, That the ſaid Truſtees ſhall be, and are hereby impowered, to apportion and appoint the Quantum of the Salaries of the ſeveral Maſters and Officers of the Seminary hereby intended to be eſtabliſhed, and to direct the Payment thereof by Quarterly, or Half-yearly Payments, as they in their Diſcretions ſhall think moſt fitting and convenient.

And aſcertain the Rates of the Scholars.

IV. **And be it further Enacted** *by the Authority aforeſaid*, That the Truſtees aforeſaid, ſhall aſcertain the Rates which each Student or Scholar ſhall annually pay for his or their Education at the ſaid Seminary; for all which Sums they ſhall account with the Governor or Commander in Chief for the Time being, the Council, or the General Aſſembly, when by them or any of them thereunto required; and which ſaid Sums ſhall be applied to and for ſuch Uſe or Uſes as ſhall be directed by Act or Acts hereafter to be paſſed.

The remaining exciſe Money to be applied towards cancelling Bills of Credit.

V. **And be it further Enacted** *by the Authority aforeſaid*, That all the Reſidue of the Money ariſing by the ſaid Duty of Exciſe, ſhall be applied towards cancelling the Bills of Credit emitted on the ſaid Fund, unleſs the ſaid Bills be all cancelled, by Money ariſing by the ſaid Duty, before the ſaid Year One Thouſand Seven Hundred and Sixty Seven: In which Caſe, all the Reſidue of the ſaid Money ſhall remain in the Treaſury, to be diſpoſed of as ſhall be directed by ſome Act or Acts hereafter to be paſſed for that Purpoſe; and that the ſaid Bills of Credit ſhall alſo remain current until the ſaid Year One Thouſand Seven Hundred and Sixty Seven, unleſs they be ſooner cancelled.

CHAP XIII.

An ACT *to appoint Commiſſioners to regulate Highways in* Dutcheſs *County, in the Place of thoſe appointed, by an Act, entitled* * An *Act, for the better clearing and further laying out High-roads in* Dutcheſs *County.*

* Chap. 780, Vol. 1.

Paſs'd the 4th July, 1753.

WHEREAS many of the Commiſſioners for regulating and laying out Highways in the County of *Dutcheſs*, appointed by and in an Act, entitled, *An* Act *for the better clearing and further laying out publick High Roads in* Dutcheſs *County*; paſſed in the Eighteenth Year of his preſent Majeſty's Reign, are dead, ſince the paſſing the ſaid Act; by which Means the good Ends and Purpoſes intended thereby, may be defeated: For preventing whereof,

I. **Be it Enacted** *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame*, That the ſeveral Perſons herein after named, *that is to ſay*, For the South Precinct, *Beverly*

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Beverly Robinſon, *Thomas Davenport*, and *James Dickenſon*, jun. For *Beekman* Precinct, *William Humphrey*, *John Carman*, and *Bartholomew Noxon*. For *Rombout* Precinct, *James Verplank*, Eſq; *Hendrick Terbos*, and *Ezekiel Marſton*. For *Poughkeepſie* Precinct, *Tunis Tappen*, *Gilbert Peelon*, and *Leonard Van Cleek*. For *Cromelbow* Precinct, *Tobias Stoutenburgh*, *Nicholas Dela Vernge*, and *Hendrick Lott*. For *Rynbeck* Precinct, *Peter Ten Broeck*, *Garret Van Wagenen*, and *Johannes Kipp*. For the North Precinct, *Cyrenus Newcomb*, *Adam Beame*, and *Jacob Nehar*. And for ſuch Part of the *Oblong* as lies in the ſaid County, *Samuel Field*, *Jacob Haviland*, and *Nathan Birdſal*; ſhall be, and hereby are appointed Commiſſioners to regulate and lay out Highways in the ſaid County, for the Places for which they are reſpectively appointed by this Act, in the Room and Stead of thoſe appointed by the Act aforeſaid; and ſhall be, and hereby are veſted with as full Power and Authority for that End, to all Intents, Conſtructions and Purpoſes whatſoever, as if they had been actually named and appointed in and by the aforeſaid Act; any Thing therein contained to the contrary notwithſtanding.

CHAP. XIV.

An ACT *to appoint Commiſſioners to examine into the Eaſtern Boundaries of this Colony, and to impower and require the Secretary of this Colony, or his Deputy, to deliver certain ancient Records, written in the* Dutch *Language, to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint, to be tranſlated into* Engliſh, *and other the Purpoſes therein mentioned.*

Paſs'd the 4th July, 1753.

Preamble.

WHEREAS Incroachments and Settlements have been made, not only in former Years, by the Inhabitants of the *New-Hampſhire* and *Maſſachuſets-Bay* Colonies, upon ſundry Tracts of Land included within the Boundaries of this Province; but alſo ſuch Incroachments have lately been renewed by the Inhabitants of the ſaid Colonies upon the Lands and Poſſeſſions of diverſe of his Majeſty's Subjects (holding the ſame under the Government of this Province, by Letters Patent from his preſent Majeſty, or his Royal Predeceſſors) on Pretence that the ſaid Lands are included within the ſaid Colonies. And foraſmuch as ſundry Records, which are good Evidences of the Eaſtern Boundaries of this Province, are written in the Dutch Language, and by that Means are rendered leſs uſeful for the Purpoſe aforeſaid, than if the ſame were tranſlated into Engliſh: And as the ſaid Records, if delivered up into the Hands of ſome Perſon or Perſons lawfully authorized and appointed thereunto, may be more eaſily and perfectly tranſlated into Engliſh: In order to ſerve the Purpoſe aforeſaid,

Commiſſioners appointed to examine into the Incroachments made upon this Province.

I. Be it therefore Enacted *by his Excellency the Governor, the Council, and General Aſſembly, and it is hereby* Enacted *by the Authority of the ſame*, That *David Jones*, *John Thomas*, *Paul Richard*, *William Walton*, *Henry Cruger*, and *John Watts*, Eſquires, be, and hereby are appointed Commiſſioners, to examine and conſider of the Incroachments made upon this Province by the neighbouring Colonies; which ſaid Commiſſioners are hereby authorized and impowered to join with a Committee of his Majeſty's Council, appointed, or to be appointed for the Purpoſe aforeſaid, in ſuch Meaſures as by the

ſaid

ſaid Committee of Council and Commiſſioners ſhall be thought neceſſary and expedient, in order to make due Enquiry into the ſaid Incroachments; and alſo, that the ſaid Committee of the Council and Commiſſioners, ſhall be, and hereby are impowered for all and ſingular the Purpoſes herein before and after mentioned.

II. **And it is hereby Enacted** *by the Authority aforeſaid*, That one or more Perſon or Perſons, ſhall, without Delay, be choſen and appointed by the ſaid Committee and Commiſſioners, to receive and take in his or their Hands, Cuſtody and Poſſeſſion, all and ſingular the Books of Dutch Records, in the Cuſtody of the ſaid Secretary or his Deputy, which contain any Dutch Records that may in any wiſe relate to the Eaſtern Boundaries of this Province; and that ſuch Perſon or Perſons as ſhall be ſo choſen and appointed for the Purpoſe aforeſaid, ſhall be duly ſworn before one of the ſaid Committee (who is hereby authorized and impowered to adminiſter ſuch Oath) ſafely and ſecurely to keep and preſerve all and every of the ſaid Dutch Records, which ſhall be delivered into his or their Hands, Poſſeſſion and Cuſtody, without altering, razing, interlining, deſtroying, adding to, or diminiſhing the ſame, or any Part thereof, or ſuffering the ſame or any Part thereof to be altered, razed, interlined, deſtroyed, added to, or diminiſhed by any Perſon or Perſons whomſoever, while the ſame ſhall continue in the Cuſtody of ſuch Perſon or Perſons as ſhall be ſo choſen and appointed for the Purpoſe aforeſaid; and alſo, well, faithfully, and truly, according to the beſt of his or their Skill and Knowledge, in the Dutch and Engliſh Tongues, to tranſlate into Engliſh all ſuch of the ſaid Dutch Records, contained in the ſaid Books of Records, as do in any wiſe relate or appear, or ſhall be ſhewn to him or them, by the ſaid Committee and Commiſſioners, or any Perſon or Perſons by their Order, in any wiſe to relate to the Eaſtern Boundaries of this Province, in as ſhort a Time after the ſaid Records ſhall be delivered into the Hands of ſuch Tranſlator or Tranſlators as conveniently may be; and to deliver the ſaid true and faithful Tranſlations of the ſaid Records, from Time to Time, as they ſhall ſeverally be compleated, unto the ſaid Committee and Commiſſioners, if demanded by them, or to ſuch Perſon or Perſons as ſhall by their Order demand the ſame; and alſo to keep all and ſingular the ſaid Records, in his or their own Hands, Poſſeſſion and Cuſtody, without Delivery of them, or any of them, to any Perſon or Perſons whomſoever, except to the ſaid Secretary or his Deputy, provided he produce an Order for ſuch Delivery from the ſaid Committee and Commiſſioners, ſigned by the Chairman of ſaid Committee and Commiſſioners; and that during the Time the ſaid Dutch Records ſhall remain and continue in his or their Cuſtody, they, nor either of them, ſhall make, or cauſe, or ſuffer any Copies, Extracts or Abſtracts of, or from, the ſaid Dutch Records to be made, other than ſuch as ſhall be ſo directed by the Committee and Commiſſioners aforeſaid, unleſs with the Privity and Conſent of the ſaid Secretary or his Deputy.

And to appoint a Perſon to receive the Dutch records, and to tranſlate them into Engliſh.

III. **And be it further Enacted** *by the Authority aforeſaid*, That ſuch Perſon or Perſons as ſhall be ſo choſen and appointed by the ſaid Committee and Commiſſioners, to tranſlate the ſaid Dutch Records, ſhall immediately, upon his or their being qualified by Oath as aforeſaid, and producing to the ſaid Secretary or his Deputy, an Order as aforeſaid, be hereby authorized and impowered to aſk, demand, receive, and take into his or their Poſſeſſion and Cuſtody, from the ſaid Secretary or his Deputy, all ſuch Book and Books of Records in his Cuſtody, as ſuch Tranſlator or Tranſlators ſhall, either by Direction or Order of the ſaid Committee and Commiſſioners, or otherwiſe

The Perſon ſo appointed, on being qualified, to demand the Dutch Records of the Secretary.

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judge neceſſary for the Purpoſe aforeſaid: And the ſaid Secretary or his Deputy, is hereby expreſſly ordered and required to deliver unto ſuch Tranſlator or Tranſlators, as ſhall be ſo choſen, appointed and qualified as aforeſaid, upon his or their producing ſuch Order as aforeſaid, all ſuch Book and Books of Record, in the Cuſtody of the ſaid Secretary or his Deputy, as ſhall by ſuch Tranſlator or Tranſlators, from Time to Time, and at any Time (after his or their Qualification by Oath as aforeſaid) be demanded of him; which Delivery of any Record or Records, in ſuch Manner, and to ſuch Tranſlator or Tranſlators as aforeſaid, ſhall fully diſcharge the ſaid Secretary or his Deputy from all Care and Cuſtody of the ſame, until they ſhall again be returned to him; and ſo from Time to Time as often as any Record or Records ſhall be delivered by him, in ſuch Manner and to ſuch Perſon or Perſons as aforeſaid.

The Commiſſioners may ſummon the Secretary to attend them.

IV. **And it is hereby Enacted** *by the Authority aforeſaid*, That the ſaid Committee and Commiſſioners, ſhall be and hereby are authorized and impowered to ſummon and order the ſaid Secretary or his Deputy, to attend in Perſon, at all and every of their Meetings, or as often as they ſhall think proper, with all and every ſuch Book and Books of Record (in the Cuſtody of the ſaid Secretary or his Deputy) as the ſaid Committee and Commiſſioners ſhall, from Time to Time, think proper and direct.

The Commiſſioners to meet, &c.

V. **And be it Enacted** *by the Authority aforeſaid*, That the ſaid Committee and Commiſſioners ſhall and do meet upon the Buſineſs of their Appointment, as often as conveniently may be; and the ſaid Committee and Commiſſioners are hereby impowered, by ſuch Rules and Orders as they ſhall think proper, to ſummon their Members to attend at their Meetings, and to appoint and adjourn their Meetings at and to ſuch particular Times and Places, as they the ſaid Committee and Commiſſioners ſhall think proper.

and to make Enquiry into the Eaſtern Boundaries of the Province, and endeavour to procure a Settlement thereof with the neighbouring Colonies.

VI. **And be it Enacted** *by the Authority aforeſaid*, That the ſaid Committee and Commiſſioners ſhall make all due and neceſſary Enquiry and Examination into the true Eaſtern Boundaries of this Province, and the Incroachments and Settlements made within the ſame by the neighbouring Colonies; and ſhall and are hereby impowered to purſue all ſuch Steps and Methods as to them ſhall ſeem moſt adviſeable, in Order, if poſſible, to procure a ſpeedy and legal Settlement of the Eaſtern Boundaries of this Province, with the neighbouring Colonies: **Provided always**, That no ſuch Settlement ſhall actually be made by the ſaid Committee and Commiſſioners, but only propoſed by them to the neighbouring Colonies, and reported by them to the Governor, Council and General Aſſembly for the Time being.

If they cannot agree, a Repreſentation thereof to be made.

VII. **And be it further Enacted** *by the Authority aforeſaid*, That in Caſe it ſhall ſo happen that the ſaid Committee and Commiſſioners cannot agree with the neighbouring Colonies, in the Settlement of the Eaſtern Boundaries of this Colony, or on any State of Facts in order to a Settlement thereof; then the ſaid Committee and Commiſſioners ſhall be, and hereby are impowered and authorized, to prepare proper Repreſentations of all ſuch Matters and Things as ſhall come to their Knowledge relating to the Eaſtern Boundaries of this Colony, and of the Incroachments made thereon by the neighbouring Colonies; and ſhall deliver Copies thereof to the Governor or Commander in Chief of this Colony for the Time being, in order to be laid before his Majeſty; and alſo tranſmit Copies thereof to the Agent of this Colony.

VIII.

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VIII. **And be it Enacted** *by the Authority aforeſaid,* That all and ſingular the Doings and Tranſactions of the ſaid Committee and Commiſſioners, and of every other Perſon and Perſons by their Order and Direction, ſhall from Time to Time, be laid before his Excellency in Council, and before the General Aſſembly, at their next, or any ſucceeding Seſſions.

Their proceedings to be laid before the Governor, &c.

IX. **And be it Enacted** *by the Authority aforeſaid,* That immediately from and after the Publication of this Act, all ſuch reaſonable Coſts, Charges and Diſburſements, as ſhall ariſe or accrue in Conſequence of the due Exerciſe of the Authority given the ſaid Committee and Commiſſioners in and by this Act, ſhall be paid and defrayed at the publick Expence of this Province; and that Accounts thereof be laid before the General Aſſembly, at every of their next or any ſucceeding Seſſions, by the ſaid Commiſſioners.

Coſts and Charges to be paid by the Government.

X. **And be it Enacted** *by the Authority aforeſaid,* That the major Part of the Commiſſioners aforeſaid, and of the Survivors of them, ſhall be, and hereby are impowered to execute all the Powers of the Commiſſioners aforeſaid, intended by this Act.

A Majority may act as if the whole were preſent.

CHAP. XV.

An ACT *for applying the ſeveral Sums therein mentioned, for and towards ſeveral neceſſary Services for the Uſe and Benefit of this Colony.*

Obſolete.

Paſs'd the 4th July, 1753.

Mr. CLINTON *being ſuperſeded by Sir* DANVERS OSBORN, *Baronet; and he dying ſoon after his Acceſſion to the Government, the Chief Command devolved on*

JAMES DE LANCEY, Eſq; Lieutenant Governor.

The Twentieth ASSEMBLY.

THIRD SESSION.

CHAP. XVI.

An ACT *for the Relief of Inſolvent Debtors, with Reſpect to the Impriſonment of their Perſons in the City of* New-York.

Expired 1ſt Jan. 1755.

Paſs'd the 12th December, 1753.

CHAP. XVII.

An ACT *for raiſing the Sum of* One Thouſand One Hundred and Twenty Five Pounds, *by a publick Lottery for this Colony, for a further Proviſion towards founding a College within the ſame.*

Obſolete.

Paſs'd the 12th December, 1753.

CHAP.

27th GEORGE II A. D. 1753.

CHAP. XVIII.

See Chap. 908, Vol. 1. continued by Chap. 174, post: amended & made valid by Chap. 226.

An ACT *to continue an Act, entitled, an Act to prevent Frauds in Debtors, with an Addition thereto.*

Paſs'd the 12th December, 1753.

WHEREAS an Act, entitled *An* Act *to prevent Frauds in Debtors*; paſſed in the Twenty Fourth Year of his preſent Majeſty's Reign, will expire by its own Limitation, on the Firſt Day of *January* next; and the ſame having been found beneficial to the People of this Colony:

Act continued.

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That the Act aforeſaid, entitled, *An* Act *to prevent Frauds in Debtors,* ſhall be, and hereby is continued, and every Article, Clauſe, Matter, and Thing therein contained, ſhall be, and remain in full Force, from the ſaid firſt Day of *January* next, to the firſt Day of *January,* which will be in the Year One Thouſand Seven Hundred and Sixty.

Periſhable Goods ſeized to be ſold.

II. **And be it further Enacted** *by the Authority aforeſaid,* That in Caſe any Sheriff ſhall, by Virtue of any Warrant hereafter to be iſſued in Purſuance of the ſaid Act, entitled, *An* Act *to prevent Frauds in Debtors,* ſeize and take any periſhable Goods or Chattels; it ſhall and may be lawful for the Judge or Judges who iſſued ſuch Warrant, at his Diſcretion, to order the Sale of ſuch Things periſhable; and the Monies ariſing thereby, to be delivered and paid to the Truſtees to be appointed for the Sale of the abſconding Perſon's Effects mentioned in ſuch Warrant, to be by them applied, according to the Directions and Intention of the ſaid Act.

The Sheriff ſeizing Effects claimed by others, the Property to be tried by a Jury to be ſummoned for that purpoſe.

III. **And be it alſo Enacted** *by the ſame Authority,* That if any Sheriff ſhall, by Virtue of any Warrant hereafter to be iſſued in Purſuance of the ſaid Act, through Ignorance, or for Want of proper Information, ſeize and take, any Goods, Chattels or Effects, which ſhall, or may be claimed or challenged, by any Perſon or Perſons, as his, her or their Property; it ſhall and may be lawful for ſuch Sheriff thereupon, to ſummon and ſwear a Jury, to enquire into, and try the Right and Property thereof: And if ſuch Jury ſhall, upon ſuch Inqueſt, find the Right and Property of ſuch Goods, Chattels or Effects, to be in the Perſon or Perſons ſo claiming the ſame, or in any other than the Perſon or Perſons againſt whoſe Goods the Warrant ſo iſſued; ſuch Sheriff ſhall forthwith, after ſuch Inquiſition had, by Order of ſuch Judge or Judges who iſſued the Warrant, deliver the ſaid Goods, Chattels or Effects, to the Perſon or Perſons in whom the Property thereof ſhall be ſo found; and ſuch Sheriff ſhall not be liable to any Suit or Proſecution, for his having ſeized and taken the ſaid Goods, Chattels or Credits, through Ignorance, or for Want of proper Information as aforeſaid; and the reaſonable Charges ariſing by the Sale of ſuch periſhable Goods, and by ſuch Inqueſt as aforeſaid, ſhall be allowed by the Judge or Judges aforeſaid, and paid out of the Goods, Eſtate and Effects of the abſconding Perſon, that ſhall be ſeized and taken by Virtue of the ſaid Act.

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CHAP XIX.

An ACT *to raiſe a Sum not exceeding* Fifty Pounds, *for finiſhing of the Court-Houſe and Gaol in* Dutcheſs *County, and defraying ſuch Charges as are already laid out and expended towards building the ſame.*

Obſolete.

Paſs'd the 12th December, 1753.

CHAP. XX.

An ACT *to enable the Mayor, Deputy-Mayor, Recorder, and Aldermen of the City of* New-York, *for the Time being, or the major Part of them, to raiſe a Tax for mending and keeping in Repair the publick Wells and Pumps in the ſaid City, to the South of* Freſh-Water, *and other the Purpoſes therein mentioned.*

Paſs'd the 12th December, 1753.

Continued by Chap. 182, Poſt.

WHEREAS it is found by Experience, that the keeping the publick Wells and Pumps in the City of *New-York*, to the South of *Freſh-Water*, in conſtant Repair, hath been greatly Serviceable to the Inhabitants thereof in Caſes of Accidents by Fire; and hath furniſhed them with conſtant Supply of Water, whereby great Fires have been extinguiſhed and prevented from ſpreading. And whereas it will greatly conduce to the Eaſe of the Inhabitants of the ſaid City, if the Expence of maintaining and keeping the ſaid publick Wells and Pumps in conſtant Repair, be provided for by a Tax for that Purpoſe, to be laid on all and every the Inhabitants thereof, living and reſiding to the South of the *Freſh-Water*: And foraſmuch as the Laws heretofore made for mending and keeping the ſame in Repair, have not ſo fully anſwered all the good Purpoſes, as were thereby intended:

The Mayor, Deputy Mayor, or Recorder, with three Aldermen, to appoint Overſeers to Wells and Pumps.

I. **Be it therefore Enacted** *by his Honour the Lieutenant-Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful, to and for the Mayor, Deputy-Mayor, or Recorder, together with three or more of the Aldermen, and they are hereby directed and required on the firſt Tueſday in *February* next, and every firſt Tueſday in *February* thereafter, during the Continuance of this Act, to nominate and appoint fit Perſons, being Inhabitants of, and in the ſaid City, to be Overſeers of the ſaid Wells and Pumps; *(that is to ſay)* one or more fit Perſon for each and every of the Wards of the ſaid City, (excepting the *Out-Ward)* for the Year then next enſuing; all which Perſons ſo to be appointed as aforeſaid, ſhall have the Care, Charge and Overſight, and be Overſeer or Overſeers of all and Every the publick Wells, and Pumps, which are now or ſhall hereafter be ſunk or made in the Ward, for which he or they ſhall be ſo ſeverally appointed Overſeers as aforeſaid; of which Appointment ſo to be made, the ſaid Mayor, or Deputy-Mayor, or Recorder, with three or more Aldermen, ſhall, within three Days thereafter, ſend Notice in Writing, to each and every of the ſaid Perſons, ſo by them appointed to be Overſeers as aforeſaid; and if it happen, that any publick Well or Pump ſhall ſtand in any Street where two Wards do join, that then the Aldermen of the two Wards ſo joining, or if they diſagree, the Mayor, Deputy-Mayor, or Recorder, with them, ſhall ſettle, direct and appoint, which of the Overſeers ſhall take the Care, Charge and Overſight of ſuch Well or Pump: And if it happen that any publick Well or Pump, ſhall ſtand in any Street where three

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Wards do join, that then the Aldermen of the ſaid Wards ſo joining, or the major Part of them, ſhall ſettle, direct, and appoint, which of the Overſeers ſhall take the Care, Charge and Overſight of ſuch Well or Pump.

The Duty of ſuch Overſeers.

II. And be it Enacted *by the Authority aforeſaid*, That each and every Perſon ſo to be appointed Overſeer as aforeſaid, ſhall, within eight Days next after his being ſo appointed, and Notice thereof to him given as aforeſaid, cauſe all and every the Wells and Pumps, whereof he is and ſhall be appointed Overſeer as aforeſaid, to be viewed, examined, cleanſed, and put in good Order and Repair, and ſhall ſo keep and maintain them from Time to Time, for and during ſo long Time as he ſhall continue Overſeer thereof; and ſhall alſo, from Time to Time, cauſe new Pumps to be put into ſuch Wells as the Alderman and Aſſiſtant of the Ward ſhall judge neceſſary: And in caſe it ſhall ſo happen, that any one or more of the Overſeers to be appointed by Virtue of this Act, ſhall remove out of this City, or ſhould die before the Expiration of one Year next after his being nominated, or being nominated ſhall refuſe to act; that then, and in either of the ſaid Caſes, it ſhall and may be lawful to and for the ſaid Mayor, Deputy-Mayor, or Recorder, together with three or more Aldermen of the ſaid City, to appoint other or others in his or their Room and Stead, and ſo as often as the Caſe ſhall happen; and that all and every the Overſeers to be appointed by the ſaid Mayor, Deputy-Mayor, or Recorder, and three or more Aldermen, by Virtue of this Act, ſhall keep juſt, fair and exact Accounts of all and every Sum and Sums of Money, which they or any of them, ſhall pay, diſburſe, lay out, and expend in, about, and towards the cleanſing, maintaining, and keeping the ſaid Wells and Pumps in good Repair.

III. And foraſmuch as the Inhabitants of the ſaid City, have, on all Occaſions and Accidents of Fire, not only chearfully afforded their ready Aſſiſtance in extinguiſhing the ſame, but have alſo ſent out their Leathern Fire-Buckets for that Purpoſe, many of which have, from Time to Time, been burnt, deſtroyed, and loſt, for which no Recompence or Allowance hath been made; nor is there any Recompence or Satisfaction provided for the Owners thereof; which may prove a great Diſcouragement to ſuch Owners and Proprietors of Buckets, to ſend out the ſame on the like Occaſions for the future: To the End therefore, That due and regular Payment be made to all and every the Overſeers of the Wells and Pumps aforeſaid, for the Monies by them diſburſed and laid out; and to the Owners of ſuch Buckets as may be burnt, deſtroyed or loſt, at any Fire or Fires that may hereafter happen: Be it further Enacted *by the Authority aforeſaid*, That the Mayor, Deputy Mayor, or Recorder, together with three or more Aldermen of the ſaid City, for the Time being, or the major Part of them, ſhall have full Power and Authority, and are hereby fully authorized and empowered, on the ſecond Tueſday of *January*, in every Year during the Continuance of this Act, to lay a reaſonable Tax on the ſaid City of *New-York* (excepting the Out-Ward of the ſaid City) as well to make Reparation for the Loſs of ſuch Buckets, which may hereafter be deſtroyed, burnt or loſt at any Fire, as alſo for the mending and keeping in Repair the publick Wells and Pumps of, and in the ſaid City, to the Southward of *Freſh-Water*; and add the ſame to the Sum which ſhall then be raiſed for the Maintenance of the Miniſter and Poor of the ſaid City, ſo as the Sum to be levied for the Purpoſe, do not exceed in the whole, the Sum of *One Hundred and Twenty Pounds*, current Money of this Colony, for one Year: Which Tax ſo to be laid, ſhall be rated and aſſeſſed at the ſame Time, and by the Veſtrymen who ſhall annually rate and aſſeſs the Tax for the Maintenance of the Miniſter and Poor of the ſaid City, and ſhall be rated together in one Aſſeſſment made of the Whole; the Aſſeſſors firſt taking the Oath pre-

The Mayor, &c. to lay a Tax on the Inhabitants yearly, to keep the Wells in Repair, and to pay for Fire-Buckets that may be loſt or burnt.

ſcribed

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ſcribed to be taken in and by an Act, entitled, *An Act to enable the Inhabitants of the City of* New-York, *to chuſe two Veſtrymen for each reſpective Ward within the ſaid City*, made and paſſed in the Nineteenth Year of his preſent Majeſty's Reign; and the ſaid Tax ſo made, ſhall be collected, levied and paid at the ſame Time, and in the ſame Manner, as the Tax for the Maintenance of the Miniſter and Poor of the ſaid City, hath been accuſtomed, and by Act or Acts of this Colony, is directed to be collected, levied, and paid into the Hands of the Church-Wardens, of the ſaid City, for the Time being, who ſhall be accountable for the ſame in the Manner they are made accountable for the Monies raiſed for the Support of the Miniſter and Poor of the ſaid City, and be ſubject to the like Penalties in Caſe of their Refuſal.

Penalty on Overſeers neglecting or refuſing their Duty.

IV. **And be it further Enacted**, That in Caſe any or either of the Overſeers ſo to be appointed by Virtue of this Act, ſhall neglect or refuſe to accept the Office, or ſhall neglect or refuſe to do his or their Duty therein, as the ſame is required by this Act, every ſuch Perſon ſhall, for his Refuſal, Neglect or Delay, forfeit the Sum of *Five Pounds*, current Money of this Colony; to be recovered by Action of Debt, Bill, Plaint or Information, in any Court of Record within this Colony (wherein no Eſſoin, Protection, or Wager of Law, or more than one Imparlance ſhall be allowed) by any Perſon or Perſons, who ſhall ſue and proſecute for the ſame to Effect; one Half of which Forfeiture ſhall be paid to the Church Wardens of this City, and applied towards repairing ſuch publick Wells and Pumps in the ſame Manner as the other Monies to be raiſed by Virtue of this Act; and the other Half to the Perſon who ſhall ſue and proſecute for the ſame to Effect.

Overſeers to prove their Accounts, and the Money by them expended, to be repaid.

V. **And be it alſo Enacted** *by the Authority aforeſaid*, That the Overſeers of the publick Wells and Pumps of the ſaid City, ſhall, in every three Months, produce to the ſaid Mayor, Deputy-Mayor, or Recorder and Aldermen, or one of them, a juſt and true Account of all and every the Monies by him and them expended and laid out in and about the cleanſing, amending and repairing the Wells and Pumps aforeſaid; and make Oath that the ſame is a juſt and true Account thereof: That thereupon the ſaid Mayor, Deputy-Mayor, or Recorder, together with three or more Aldermen, ſhall forthwith iſſue their Warrants to the Church Wardens of the ſaid City, to pay to ſuch Overſeer ſo producing and making Oath to his Account, the full Amount thereof. And in Caſe any Perſon or Perſons, ſhall hereafter loſe any Bucket or Buckets, at any Fire which may happen in this City, and ſhall make Proof before the Mayor, Deputy-Mayor, Recorder, or any of the Aldermen of the ſaid City for the Time being, that the ſame were actually loſt in that Service, and of the Value of ſuch Bucket or Buckets at the Time the ſame were ſo loſt, burnt or deſtroyed; that then and in ſuch Caſe the ſaid Mayor, Deputy-Mayor, Recorder and Aldermen, or any one of them, ſhall, by Warrant under his Hand, directed to the ſaid Church Wardens, order the Value thereof to be paid to ſuch Perſon or Perſons ſo making Proof of the Loſs thereof. And if any Perſon or Perſons ſhall, at any Time thereafter, be convicted of having taken a falſe Oath, touching the Premiſſes; he, ſhe or they ſo offending, ſhall incur the Penalty of wilful Perjury. **Provided always**, That if ſuch Bucket or Buckets ſo proved to be burnt, deſtroyed or loſt, as aforeſaid, ſhall afterwards happen to be found, the Property thereof ſhall thenceforward be in the Mayor, Aldermen and Commonalty of the City of *New-York*, unleſs the Owner or Owners thereof will take back the ſame, and return the Money allowed and paid to him or them for the Loſs thereof.

Proof of the Loſs of Fire-Buckets, and how to be paid for.

VI.

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VI. AND foraſmuch as diverſe diſorderly Perſons, have frequently been guilty of cutting Well-Ropes, and breaking the Handles of Pumps, and doing other Miſchiefs to both: For preventing of which for the future, **Be it Enacted** *by the Authority aforeſaid*, That if any Perſon or Perſons ſhall wilfully or maliciouſly cut any of the publick Well-Ropes, or do other Hurt or Damage to any of the ſaid Wells or Pumps, and ſhall thereof be convicted before the Mayor, Deputy-Mayor, Recorder, or any two of the Aldermen of the ſaid City, he, ſhe or they ſhall be liable to the Fine of *Forty Shillings*, for ſuch Offence, to be recovered by Warrant under the Hands and Seals of ſuch reſpective Magiſtrates, before whom he, ſhe or they were ſo convicted; one Half to the Uſe of the Perſon or Perſons who ſhall proſecute for the ſame to Effect, and the other Half to the Uſe of ſuch Wells or Pumps as ſhall be ſo damaged: And upon Refuſal of Payment, he, ſhe or they ſhall be committed to Goal, there to remain for the Space of one Month, or till the Fine be paid with Coſt. And in Caſe any Negro, Indian or Mulatto Slave ſhall be guilty of the Offences aforeſaid, or any of them, and ſhall be thereof convicted in Manner aforeſaid; ſuch Negro, Indian or Mulatto Slave, ſhall ſuffer ſuch Corporal Puniſhment, as the Mayor, Deputy-Mayor, Recorder, and any two or more of the Aldermen of the ſaid City, ſhall, in their Diſcretion, think fit, not extending to Life or Limb, unleſs the Maſter, Miſtreſs or Owner of ſuch Indian, Negro or Mulatto Slave, ſhall and do pay for ſuch Offence, the Sum of *Four Pounds*, current Money of this Colony, the One half Part thereof to be paid to the Church-Wardens of the ſaid City for the Time being, to be applied for and towards the repairing and amending the publick Wells and Pumps of this City, and the other Half Part thereof, to ſuch Perſon or Perſons who ſhall ſue and proſecute for the ſame to Effect.

Penalty on Perſons for cutting of Well-Ropes or damaging Pumps.

VII. **And be it further Enacted**, That all former Act or Acts heretofore made for mending and keeping in Repair the Publick Wells and Pumps of this City, be repealed, and the ſame are hereby repealed accordingly: And that this Act continue in Force from the Publication hereof, until the firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty.

Former Acts repealed.

CHAP. XXI.

An ACT *to enable the Freeholders and Inhabitants of the Townſhip of* Rocheſter *and* Marble-Town, *to chuſe and elect at their annual Town-Meetings, two Conſtables for each Town.*

Paſs'd the 12th December, 1753.

WHEREAS the Freeholders and Inhabitants of the Townſhips of *Rocheſter* and *Marbletown*, in the County of *Ulſter*, by their Town Patents or Charters, are not enjoined or required to chuſe or elect a Conſtable or Conſtables; and for Want of ſuch Officers, ſome Inconveniences and Diſputes have ariſen, and will continue to ariſe: For Remedy whereof;

I. **Be it Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame*, That the Freeholders and Inhabitants of the ſaid Townſhips of *Rocheſter* and *Marbletown*, reſpectively, for the future, ſhall, at their annual Meetings for electing Town Officers, chuſe and elect, by Plurality of Voices, two Conſtables for each of the ſaid Townſhips reſpectively; and ſuch Perſon or Perſons, ſo choſen

choſen and elected as aboveſaid, ſhall ſerve as Conſtable or Conſtables for the then enſuing Year, until there be others choſen, elected and qualified, according to Law, in their Room and Stead: And every ſuch Perſon or Perſons ſo choſen and elected as aforeſaid, who ſhall refuſe or neglect to qualify and ſerve, as is above directed, ſhall forfeit for every ſuch Offence, the Sum of *Forty Shillings*, to be recovered before any one of his Majeſty's Juſtices of the Peace for ſaid County, by ſuch Perſon or Perſons who ſhall proſecute and ſue for the ſame: And in ſuch Caſe, it ſhall and may be lawful for any two Juſtices of the Peace for the ſaid County of *Ulſter*, living in or nigh the ſaid Townſhips, to appoint ſome fit Perſon or Perſons to execute the Office of Conſtable for the ſaid Place or Places, where ſuch Refuſal or Neglect ſhall happen, until a new Election ſhall be made, by Virtue of this Act as aforeſaid; and every ſuch Conſtable or Conſtables, ſo elected, choſen or appointed, as aforeſaid, ſhall have the ſame Powers, and be ſubject to the ſame Fines and Forfeitures, as the other Conſtables for the ſeveral Towns, Manors and Precincts in the ſaid County, are impowered with, and liable to.

CHAP. XXII.

An ACT *to prevent the importing or paſſing Counterfeits of* Britiſh *Half-pence and Farthings.*

Paſs'd the 12th December, 1753.

WHEREAS many Counterfeits of Britiſh Half-pence and Farthings, are now paſſing in this Colony, to the great Damage and Loſs of the Inhabitants: For Remedy whereof,

I. **Be it Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That if any Perſon or Perſons, after the Publication of this Act, ſhall import, or bring, or cauſe, or procure to be imported, or brought into this Colony, any Counterfeits of Britiſh Halfpence or Farthings; each and every of the Perſons ſo offending, ſhall forfeit the Sum of *One Hundred Pounds*, current Money of this Colony; to be recovered in any Court of Record within this Colony, by Action of Debt, Bill, or Information, with Coſts; and to and for the proper Uſe and Benefit of ſuch Perſon or Perſons who ſhall ſue for the ſame.

Penalty on Perſons importing counterfeit Halfpence or Farthings.

II. **And be it Enacted** *by the ſame Authority*, That if any Perſon or Perſons ſhall paſs any Counterfeits of Britiſh Halfpence or Farthings, in Payment, knowing the ſame to be counterfeit; he, ſhe, or they, ſhall forfeit ten Times the Value of the Sum, for which the ſaid Counterfeits of Halfpence or Farthings were ſo paſſed in Payment; to be recovered with Coſts of Suit, before any Juſtice of the Peace, by any Perſon that will ſue for the ſame: Which Juſtice is hereby fully impowered and required, ſummarily, to hear and determine the ſame, and to award Execution thereupon, if the ſaid Forfeiture ſhall not amount to more than *Six Pounds*, current Money of this Colony; and if ſuch Forfeiture ſhall amount to more than that Sum, then it ſhall be recovered and applied in the ſame Manner, as the Forfeitures herein impoſed on Perſons importing Counterfeits of *Britiſh* Halfpence or Farthings, are directed to be recovered and applied.

Any Perſons paſſing Counterfeits to forfeit ten Times the Sum.

III. **Be it further Enacted** *by the ſame Authority*, That if any Perſon or Perſons ſhall tender or offer in Payment, any Counterfeits of *Britiſh* Halfpence or Farthings; it ſhall and may be lawful for the Perſon or Perſons, to whom

Counterfeit Halfpence when offered in Payment, to be ſeized by the

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such Tender or Offer shall be made, and he, she or they are hereby required to seize and take such Counterfeits of Halfpence and Farthings; and being so seized and taken, the same to convey and deliver to some Magistrate of the City or County where such Tender or Offer shall be made, who shall deliver the same to the next General Court of Sessions of the Peace, to be holden for such City or County.

Person to whom tender'd, and delivered to a Magistrate.

IV. **And be it Enacted** *by the Authority aforesaid*, That when any Person or Persons shall have passed any Counterfeits of *British* Halfpence or Farthings in Payment; he, she, or they shall be liable, and is, and are hereby obliged on Demand, to pay to the Person or Persons to whom they were so passed in Payment, the full Value of the Sum for which the same were so passed, provided such Counterfeits of *British* Halfpence or Farthings, be delivered to some Magistrate, and such Demand made as aforesaid, within one Week after the Receipt of the same. But if such Person or Persons, who shall so receive the same Counterfeits of *British* Halfpence or Farthings, shall not, within one Week thereafter, deliver the same to such Magistrate, and make such Demand as aforesaid; he, she, or they, shall not have any Remedy by this Act.

Persons passing Counterfeits liable to pay the Sum over again.

V. **And be it further Enacted** *by the Authority aforesaid*, That it shall and may be lawful for the Courts of Sessions, and they are hereby respectively required, once every Year, to give Order for the melting down all such Counterfeits of *British* Halfpence or Farthings, as shall or may, from Time to Time, be delivered to them, and shall likewise order and direct the same, when so melted down, to be sold and disposed of to the best Advantage; and the Money to arise from such Sale (after all Charges respecting the said Melting and Sale, shall be paid) to be delivered unto the Overseers of the Poor of the City, Town, Manor, or Precinct respectively, where the said Counterfeits of *British* Halfpence or Farthings, were taken as aforesaid, to and for the Use and Benefit of their respective Poor.

Counterfeits to be melted down by Order of the Sessions, and the Monies arising from the Sale to be deliver'd to the Overseers of the Poor.

VI. **And be it further Enacted** *by the Authority aforesaid*, That in Case any Dispute shall happen, between any Persons whatsoever, where any *British* Halfpence or Farthings shall be paid, offered or tendered, touching or respecting the Goodness thereof, the same shall be determined by any Justice of the Peace, who shall then be at, or nearest to the Place where the said Dispute shall so happen, in Case the Sum in Dispute exceed not the Sum of *Forty Shillings*; but in Case the same exceed *Forty Shillings*, then the said Justice shall, if required by either of the Parties, take to his Assistance two able and sufficient Freeholders, who, under Oath, shall, with the said Justice, summarily hear and determine the said Dispute, whose Judgment in the Case shall be final between the said Parties.

Halfpence that are disputed to be determined by a Justice.

VII. **Be it further Enacted**, That if any Person or Persons whatsoever, after the Publication of this Act, shall, for the Space of Ten Days, keep in his, her, or their Custody or Possession, any Counterfeits of *British* Halfpence or Farthings, knowing them to be such, he, she or they shall, in that Case, be deemed to have imported the same, and be subject to the like Forfeiture, as is by this Act imposed on any Person who shall import such Counterfeits of *British* Halfpence or Farthings.

Persons keeping Counterfeits in their Custody, liable to the same Penalty as Importers.

VIII. **And be it also Enacted**, That if any Magistrate shall receive Information upon Oath, that any Counterfeits of *British* Halfpence or Farthings, were seen or discovered by the Person or Persons making such Oath, in any Place or Places within Twenty Four Hours before such Information given; it shall and may be lawful in that Case for the said Magistrate, and he is hereby enjoined

Magistrates may cause suspicious Places to be searched.

enjoined and required to iſſue a Warrant, to cauſe ſuch Place or Places to be ſearched; and if any Counterfeits of *Britiſh* Halfpence or Farthings be found, the Perſon or Perſons poſſeſſed thereof, ſhall be deemed the Importer or Importers of the ſame, and be ſubject to the like Forfeiture, as if he, ſhe or they had actually imported the ſame, unleſs ſuch Poſſeſſor or Poſſeſſors thereof, ſhall prove that the ſame came into his, her or their Cuſtody or Poſſeſſion, within ten Days before ſuch Information.

CHAP. XXIII.

An ACT *to regulate the collecting the Duty of Exciſe on Strong Liquors retailed in this Colony.*

Expired 1 January 1755.

Paſs'd the 12th December, 1753.

CHAP XXIV.

An ACT *for preventing Frauds by Mortgages, which ſhall be made and executed after the firſt Day of* June, *in the Year One Thouſand Seven Hundred and Fifty-Four.*

Paſs'd the 12th December, 1753.

WHEREAS many Frauds and Abuſes have been committed, as well by Perſons mortgaging their Lands, Tenements and real Eſtate, and afterwards ſelling the ſame Lands to other Perſons who were ignorant of ſuch Mortgages, as by Perſons mortgaging the ſame Lands ſeveral Times, without giving Notice to the latter Mortgagees of the former Mortgage or Mortgages, whereby many Perſons have been defrauded of great Sums of Money; wherefore, for preventing thoſe Evils for the future;

I. Be it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby* Enacted *by the Authority of the ſame,* That immediately, from and after the Publication hereof, each and every of the Clerks of the ſeveral and reſpective Cities and Counties within this Province, ſhall provide a fit and proper Blank Book for the regiſtring of all Mortgages of Lands, Tenements, and real Eſtate, lying within their reſpective Cities and Counties, which ſhall be made and executed after the firſt Day of *June*, in the Year One Thouſand Seven Hundred and Fifty Four; in which Regiſter ſhall be entered the Deſcription and Boundaries of the Lands mortgaged, the Names of the Mortgagers and Mortgagees, and the Dates of the reſpective Mortgages, the mortgage Money, and the Time and Times when payable, and the Time when regiſtred or recorded; to which Regiſter, all Perſons whatſoever, at proper Seaſons, may have Recourſe and Search; and for which the ſaid Clerks ſhall have and receive the Sum of *Three Shillings*, for each Mortgage ſo entered, and *One Shilling* for every Search. Provided always, That before any ſuch Mortgage ſhall be ſo entered in any ſuch Regiſter, the ſame ſhall be either acknowleged by the Parties that executed the ſame, or proved by one or more of the Witneſſes thereto upon Oath, either before one of his Majeſty's Council for this Colony, or one of the Juſtices of the Supreme Court, or one of the Judges of the Court of Common Pleas of the reſpective Cities and Counties where the Lands ſo mortgaged lie.

The County Clerks to provide Books, for regiſtring all Mortgages made after the firſt of *June* 1754.

The Mortgage to be proved before it is regiſtred,

II. And

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II. **And be it further Enacted** *by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever, ſhall, after the firſt Day of *June*, One Thouſand Seven Hundred and Fifty Four, mortgage any Lands, Tenements or real Eſtate whatſoever, within this Colony, to two or more Perſons at different Times; and any Doubt or Diſpute ſhall ariſe about the Priority of ſuch Mortgages; that then and in ſuch Caſe, the Mortgage firſt entered on the Regiſter, in Manner before directed, for the City or County where the Lands, Tenements or real Eſtates lie, ſhall be deemed and taken, and is hereby declared and ſhall be adjudged by all Courts of Law and Equity within this Colony, to be the firſt and prior Mortgage; provided it be made *bona fide*, and upon good and valuable Conſideration; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Where there are two Mortgages, the firſt regiſtred to be eſteemed the prior One.

III. **And be it further Enacted** *by the Authority aforeſaid*, That the reſpective Loan-Officers within this Colony for the Time being, ſhall permit and ſuffer any Perſon or Perſons at ſeaſonable Times, to ſearch and view the Books of Mortgages in their Hands and Cuſtody, upon their paying *One Shilling* for the ſaid Search.

Loan-Officers to permit a Search of their Books.

III. **And be it further Enacted** *by the Authority aforeſaid*, That whenever any Mortgage or Mortgages ſo entered as aforeſaid, ſhall be redeemed, paid off, and diſcharged, the Clerks of the reſpective Cities and Counties, on Application to them made by the Mortgagors, or Perſons redeeming, paying off, and diſcharging ſuch Mortgages, and producing a Certificate to the reſpective Clerks of the reſpective Cities or Counties, ſigned by the Mortgagee or Mortgagees in ſuch Mortgage, his, her or their Executors, Adminiſtrators or Aſſigns, and acknowleged by the Party or Parties ſigning the ſame, or proved by the Oath of one or more of the Witneſſes thereto, either before one of his Majeſty's Council for this Colony, or one of the Juſtices of the Supreme Court, or one of the Judges of the Court of Common Pleas of the reſpective Cities and Counties where the Lands ſo mortgaged lie; ſhall, and they are hereby required to enter in the aforeſaid Book of Mortgages, a Minute of the ſaid Diſcharge or Diſcharges; which Minute ſo entered, ſhall be deemed and taken to be, and is hereby declared, to be a full, perfect and abſolute Bar to the firſt Entry of any ſuch Mortgage or Mortgages; for which Entry, the reſpective Clerks ſhall have and receive the Sum of *One Shilling*, and no more.

When Mortgages are redeemed or diſcharged, the Clerks to enter a Minute thereof in their Books.

V. **And be it further Enacted** *by the Authority aforeſaid*, That the ſeveral and reſpective Clerks of the Peace, for the reſpective Cities and Counties of this Colony, ſhall publickly read this Act, in the reſpective Courts of Seſſions of the Peace, in open Court, at two Seſſions of the Peace, next after the Publication of this Act, in each reſpective City and County of this Colony.

This Act to be publickly read at two Seſſions next after its Publication.

CHAP. XXV.

An ACT *for the more equal Taxation of Eſtates in* Queens *County.*

Paſs'd the 12th December, 1753.

Repealed by Chap. 216.

CHAP. XXVI.

An ACT *to revive an Act, entitled an Act, to regulate the Militia of this Colony.*

Paſs'd the 12th December, 1753.

The Act revived is Chap. 674 of Vol. 1. Continued and altered by Chap. 42 : poſt.

CHAP.

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CHAP. XXVII.

An ACT *for granting to His Majesty the several Duties and Impositions, on Goods, Wares and Merchandizes imported into this Colony, therein mentioned.*

Continued by Chap. 37: post.

Publish'd 12th December, 1753.

Preamble.

WHEREAS the Duties and Impositions granted to His Majesty, by former Acts of the Legislature of this Colony, will determine on the first Day of *January* next ensuing; and the General Assembly being heartily disposed to make timely Provision for His Majesty's Service;

How long the Duty shall continue.

I. Be it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same,* That there shall be, and hereby is given and granted to His Majesty, His Heirs and Successors, the Duties and Impositions herein after mentioned, on the several Goods and Merchandizes herein particularly enumerated, which shall be imported into this Colony, from and after the first Day of *January,* which will be in the Year of our Lord One Thousand Seven Hundred and Fifty Four, to the first Day of *January,* which will be in the Year of our Lord One Thousand Seven Hundred and Fifty Five, *That is to say;*

Duty on Slaves.

For every Negro, Mulatto, or other Slave, of Four Years old and upwards, imported directly from *Africa,* five Ounces of *Sevil, Pillar* or *Mexico Plate,* or *Forty Shillings* in Bills of Credit made current in this Colony.

For every such Slave as aforesaid, of Four Years old and upwards, imported from all other Places, by Land or Water, the Sum of *Four Pounds,* in like Money.

On Wine.

For every Pipe of Wine, without Distinction or Exception, nor any other Allowance than what is herein after explained, from all Places whence they may legally be imported, the Sum of *Thirty Shillings* in like Money; and after that Rate for a greater or lesser Quantity.

On Rum and Spirits.

For every Gallon of Rum, Brandy, or other Distilled Liquors; as likewise for every Gallon of Shrub, or any other Liquors, of which the greater Part is distilled Spirits, from all Places whence the same may legally be imported, the Sum of *Two Pence* in like Money.

On Cocoa.

For every Hundred Weight of Cocoa, (reckoning One Hundred and Twelve Pounds to the Hundred) the Sum of *Four Shillings* in like Money; and after that Rate for a greater or lesser Quantity, to be computed or weighed, as herein after is directed and explained.

On Dry-Goods.

For all *European* or *East-India* Goods, imported from the *British* Islands, with proper Certificates, the Sum of *Five Pounds* in like Money, for every *Hundred Pounds* Value prime Cost; and after that Rate for a greater or lesser Quantity.

Duty on Slaves explained.

II. And to avoid and clear up Disputes that may happen concerning the Duty on Slaves; Be it Enacted *by the Authority aforesaid,* That all Slaves imported from *Africa,* in the same Vessel which took them on board on any Part of that Coast, shall pay no greater Duty for each of them, than the said *Forty Shillings,* tho' such Vessel had stopp'd at, or entered in any other Port or Ports, before her Arrival here: Provided, The Master or Mate, and some other Officer, which came in such Vessel from *Africa,* make Oath before the Treasurer of this Colony, That the Slave or Slaves so imported

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here, had been actually taken on board of that Veſſel on the Coaſt of *Africa*, and had not been landed or put on Shore in any other Place, after the ſame had been ſo taken on board of that Veſſel, on the ſaid Coaſt.

Slaves belonging to Veſſels, or travelling upon the Services of their Owners, or under 4 Years, exempted

III. **And be it Provided and Enacted** *by the Authority aforeſaid*, That all ſuch Slaves as belong to the Navigation of any Veſſel, or coming from, or going to the neighbouring Colonies, upon the Service of their Maſters or Miſtreſſes, and ſuch as are under the Age of four Years; ſhall be, and hereby are exempted from the Duty impoſed by this Act, on Slaves.

Slaves waiting upon their Owners, free of Duty. Provided, the Owners give Security to the Treaſurer, that the Duty ſhall be paid, in Caſe ſuch Slaves are ſold.

The Forfeiture for not paying ſuch Duty.

IV. **And be it further Provided and Enacted** *by the ſame Authority*, That every Perſon or Perſons, coming here ſingly, or with their Families, either for the Recovery of their Healths, or to reſide in the City or Colony of *New-York*, ſhall be allowed Duty free, all ſuch Slave or Slaves, as he, ſhe or they, ſhall bring with them, for his, her or their particular Service: **Provided**, That the Owner and Owners of ſuch Slave or Slaves, ſhall, within four Days after the Importation thereof, give ſufficient Security to the ſaid Treaſurer, That whenever ſuch Slave or Slaves, is, or ſhall be ſold, the Duty impoſed by this Act, ſhall be paid for the ſame, within two Days after ſuch Sale: And upon Failure of paying ſuch Duty within that Time, the Owner or Diſpoſer of ſuch Slave or Slaves, ſhall forfeit the Sum of *Ten Pounds*, for every Slave ſo ſold; and the Slave or Slaves ſo ſold, ſhall nevertheleſs be ſubject to the ſaid Duty.

The Age of Slaves in Caſe of Diſputes, to be determined by two Juſtices of Peace.

V. And if any Diſputes ariſe concerning the Age of Slaves during the Continuance of this Act; **Be it Enacted** *by the Authority aforeſaid*, That the Slave or Slaves about which ſuch Diſputes may happen, ſhall be brought before, or viewed by, two Juſtices of the Peace, and their Opinion or Judgment thereon, ſhall finally determine, whether ſuch Slave ſhall be deemed under or above the Age of four Years.

In Caſe Slaves die within Thirty days after they are imported, they ſhall be exempted from Duty. Slaves ſent from the *Britiſh* Iſlands for the Recovery of their Healths, upon what Proof and Security, exempted.

VI. **And be it Enacted** *by the ſame Authority*, That ſuch of the Slaves ſo imported as aforeſaid, as ſhall die within Thirty Days after his or her Arrival, ſhall be exempted from the Duty before-mentioned: **Provided**, Proof be made upon Oath, before the ſaid Treaſurer, That he or ſhe was ſick at the Time of the Importation thereof. And if any Slave or Slaves ſhall be ſent from the *Britiſh* Iſlands, for the Recovery of their Health, the ſame ſhall likewiſe be exempted from the ſaid Duty: **Provided**, Proof is made in Manner as aforeſaid, That ſuch Slave was ſent hither for the Recovery of his or [*her*] Health only; and that Security be given to the ſaid Treaſurer, to pay the Duty thereof, in Caſe ſuch Slave doth not die, or be ſent back, within Eight Months after the Landing thereof, or within two Days after the Sale thereof, if ſold in this Colony, within the Time above-mentioned.

Treaſurer to give Certificate to the Importers of Slaves, that the Duty is paid.

VII. And whereas it has been credibly repreſented, that a great Number of Slaves have clandeſtinely been imported into this Colony, both by Land and by Water, to the great impairing the Duty laid on them, and to the great Diſcouragement of fair Traders: For Remedy whereof: **Be it Enacted** *by the Authority aforeſaid*, That it ſhall and may be lawful, for all Importers of Slaves, at the Time, he, ſhe or they pay, or ſecure the Payment of the Duty thereof, to demand of the Treaſurer, for every one of ſuch Slaves, a Certificate, that the Duty thereof is ſatisfied; and thereupon he is to give for every ſuch Slave to the Importer, a Certificate in the Form following.

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TREASURY-OFFICE;

THIS is to certify, That Duty has been paid to me, according to Law, by for one Slave, named being a aged Years, or thereabouts, imported from Witneſs my Hand, this Day of Anno

And then to ſign the ſame as Treaſurer.

Form of the Certificate.

IN which firſt Blank, is to be put the Name of the Perſon paying; in the ſecond, whether Negro, Mulatto, or Indian; in the third, the Slave's Name; in the fourth, whether Man, Woman, Boy or Girl; in the fifth, the Age; in the ſixth, the Iſland or Place from whence; and in the three laſt, the Day, Month and Year, in Figures. And the Treaſurer is hereby obliged to give ſuch Certificates under his Hand, for every Slave, to the Importer deſiring the ſame; for each of which Certificates, the ſaid Importer is to pay to the ſaid Treaſurer, for his Trouble therein, the Sum of *One Shilling*, and no more; and the Seller or Sellers of ſuch Slave or Slaves, are hereby obliged to deliver to the Purchaſer or Purchaſers thereof, ſuch Certificate, for Proof that the Duty is paid for ſuch Slave or Slaves.

Directions for filling up the Blanks in the Certificate.

The Treaſurer's Fee for the Certificate.

The Seller of the Slave to deliver the Certificate to the Purchaſer.

VIII. And be it Enacted *by the Authority aforeſaid*, That if any Perſon or Perſons, ſhall ſuſpect any Slave or Slaves to have been clandeſtinely imported into this Colony, by Land or Water; it ſhall be lawful for every ſuch Perſon and Perſons, to enquire of the Owner or Poſſeſſor thereof, whether Duty has been paid for the ſame, and to demand a Sight of the Treaſurer's Certificate thereof: And if the Owner or Poſſeſſor of ſuch Slave, ſhall refuſe to produce the ſame, it ſhall be lawful for the Perſon demanding ſuch Sight, to ſummons ſuch Owner or Poſſeſſor, before the next Juſtice of the Peace; and if he or ſhe, do then and there produce ſuch Certificate, the Perſon ſo ſummoned, is only to pay for the Summons, and the Charges of ſerving it; and then ſuch Slave is to be diſcharged: And if no ſuch Certificate is then produced, the ſaid Owner or Poſſeſſor, is immediately to enter into Recognizance to his Majeſty, in the Value of ſuch Slave; *Conditioned*, That he or ſhe ſhall produce ſuch a Certificate as aforeſaid, within a Time to be limited therein, not exceeding Thirty Days: And if ſuch Certificate is not produced at or before the Expiration of the Time ſo limited, the ſaid Recognizance ſhall be forfeited, and is hereby directed to be put in Suit accordingly: But if the Party refuſe to enter into ſuch Recognizance, the ſaid Juſtice is hereby required to commit the ſaid Slave into ſafe Cuſtody: And if no ſuch Certificate as aforeſaid, is produced to the ſaid Juſtice within Thirty Days thereafter; then and in ſuch Caſe, the ſaid Slave ſhall be, and hereby is declared to be, forfeited to his Majeſty, and ſhall be ſold at publick Vendue to the higheſt Bidder, by the ſaid Juſtice, aſſiſted by two other Juſtices, one whereof to be of the *Quorum*, giving at leaſt ten Days publick Notice before ſuch Sale: And of what ſhall be recovered upon the Forfeiture of ſuch Recognizance as aforeſaid, or the Money to ariſe by the Sale before mentioned; one Half ſhall be paid to the ſaid Treaſurer, to and for his Majeſty's Service, and the other Half to the Perſon or Perſons who ſhall take out a Summons in the Manner aforeſaid; the Charges of the Proſecution and Sale being firſt deducted out of the Whole. And for the Damages Purchaſers may ſuſtain, by having bought a Slave clandeſtinely imported into this Colony, whether by Land or Water; he, ſhe or they ſhall have their Remedy at Law, againſt the Perſon or Perſons who ſold the ſame to him, her or them.

How to diſcover if Slaves be clandeſtinely imported and the Penalty.

IX. AND for the more effectual Prevention of the clandeſtine Running of any of the Goods or Merchandizes before enumerated, and thereby defrauding

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defrauding his Majeſty of the Duties therein granted, and to the great Damage of the fair and honeſt Trader; **Be it Enacted** *by the Authority aforeſaid*, That if any Waterman, Boatman, Cartman, Porter, or any other Perſon or Perſons whatſoever, ſhall, during the Continuance of this Act, be aiding and aſſiſting in the taking up, landing, carting, or carrying any of the Goods or Merchandizes afore ſpecified, for which the Duties hereby impoſed, have neither been paid, nor ſecured to be paid in the Manner aforeſaid; every ſuch Perſon or Perſons ſo knowingly offending in the Premiſes, and being thereof convicted before any one or more of his Majeſty's Juſtices of the Peace, for the City, Borough, Town, or County where the Offence is committed, upon the Oath of one or more credible Witneſſes, ſhall forfeit and pay the Sum of *Twenty Pounds*, for the firſt Offence; to be levied by Diſtreſs and Sale of the Offender's Goods and Chattels, in like Manner as in other Caſes of Diſtreſs, together with the Coſts of ſuch Proſecution; the one Half Part thereof to be paid to the Treaſurer of this Colony, to and for his Majeſty's Uſe and Service; the other Half to the Perſon or Perſons who ſhall proſecute and ſue for the ſame: And for Want of ſuch Goods and Chattels, ſuch Offender or Offenders ſhall be committed to the County Gaol where ſuch Offence ſhall be committed, there to remain for the Space of Three Months, without Bail or Mainprize, or until ſuch Forfeiture, together with the Coſts of Proſecution ſhall be paid: And for the ſecond and every other Offence, being thereof convicted as aforeſaid, ſuch Offender or Offenders ſhall be committed to Gaol as aforeſaid, for the Space of Six Months, there to remain without Bail or Mainprize.

Penalty on Perſons aiding and aſſiſting the running of Goods.

X. **And be it Enacted** *by the Authority aforeſaid*, That the Land and Tide-Waiter of the Colony Duties, ſhall, within ſix Days after the firſt Day of *January* next, take his corporal Oath, before one of the Juſtices of the Supreme Court, for the due and faithful Execution of his Office and Truſt, according to the beſt of his Skill and Power, and that he will not demand, or receive, any Fee or Gratuity directly or indirectly, other than his Salary, and the regular Fees of the ſaid Office, eſtabliſhed by Law; which Oath ſhall be certified under the Hand of ſuch Juſtice, and delivered to the ſaid Officer, to be by him lodged and filed with the Treaſurer of this Colony. And in Caſe the ſaid Land and Tide-Waiter, ſhall neglect or refuſe to take ſuch Oath within the Time limited as aforeſaid, he ſhall, by ſuch Default, be rendered incapable of holding and enjoying the ſaid Office; and thereupon it ſhall and may be lawful for the Lieutenant Governor, or Commander in Chief for the Time being, by and with the Advice and Conſent of his Majeſty's Council, to nominate and appoint ſome other fit and proper Perſon to the ſaid Office, in his Place and Stead: Which Perſon ſo appointed, ſhall be intitled to have, and receive the like Salary, Fees and Perquiſites, as the Perſon ſo diſabled was intitled to have and receive, before ſuch Default made as aforeſaid; and ſhall, upon his Appointment, take the ſaid Oath hereby directed, or be diſabled in like Manner as aforeſaid.

Land and Tide-waiter to take an Oath for the Performance of his Duty.

XI. And as all due Encouragement ſhould be given to direct Importations, ſo a proper Diſtinction ought to be made on Importations, which may be attended with Frauds, as the Caſe has too often happened: **Be it therefore Enacted** *by the Authority aforeſaid*, That inſtead of the Duty herein before laid on Slaves, there ſhall be, and hereby is given to his Majeſty, his Heirs and Succeſſors, a Duty of *Five Pounds*, on every Slave upwards of four Years old, that ſhall be imported by Land, in the County of *Albany*, or in the County of *Ulſter*, or in *Dutcheſs* County, during the Continuance of this

Duty on Slaves imported into *Albany*, *Ulſter* and *Dutcheſs* Counties.

this Act, under the Inſpections, Regulations and Reſtrictions herein after mentioned; *to wit*, Every ſuch Slave which ſhall be imported by Land in any of the ſaid Counties, ſhall, within three Days after the ſame ſhall be brought in the Limits of thoſe Counties reſpectively, ſhall be reported by the Importer, or ſome other Perſon in his or her Behalf, in the Manner following, *That is to ſay*; In the County of *Albany*, to the Mayor of the City of *Albany*, and in the Counties of *Ulſter* and *Dutcheſs*, to the reſpective Judges of the Inferior Courts thereof; and ſuch Reporter ſhall, at the ſame Time, pay the Sum of *Five Pounds*, for every Slave ſo reported, to the Perſon receiving ſuch Report; who is thereupon to give to him or her, a Certificate under his Hand and Seal, in the Form herein before preſcribed, that Duty is paid by him or her for the Slave to be named and deſcribed therein; and ſuch Certificate ſhall be of the ſame Force and Effect as thoſe directed to be given by the Treaſurer, for the Space of Sixty Days, and no longer.

How Slaves imported in the County of *Albany*, *Ulſter* and *Dutcheſs* ſhall be reported.

The Sum paid for them, and Certificate to be given.

XII. **And be it Enacted** *by the Authority aforeſaid*, That when Payment of the ſaid Duty ſhall be made, in the Manner above-mentioned, ſuch of the ſaid Perſons who receive the ſame, are, with all convenient Expedition thereafter, to give an Account to the Treaſurer, when and by whom ſuch Duty is paid, and for what Slave, deſcribing the ſame in Manner as aforeſaid, and to tranſmit therewith, to the ſaid Treaſurer, the Sum of *Four Pounds*, for every Slave ſo reported to him; and the remaining *Twenty Shillings*, he may retain for his Trouble therein: And the ſaid Treaſurer is, for every Slave he ſo receives the ſaid *Four Pounds* of, to ſend, with the like Expedition, to the Perſons who remitted the Money to him, a Certificate for ſuch Slave, under his Hand, in the Form herein before preſcriped; which Certificate is to be exchanged for that which was given in the County, and the latter to be cancelled: And ſuch of the before named Perſons, as ſhall omit or neglect to give ſuch Account, or make ſuch Remittance to the Treaſurer, as aforeſaid, ſhall forfeit the Sum of *Ten Pounds*, for every ſuch Omiſſion or Neglect.

The Receiver of the Duty, to tranſmit to the Treaſurer an Account of the Duty paid, &c. and £.4 for every Slave.

Treaſurer to ſend a Certificate to the Perſons remitting the Money.

Penalty for neglecting to give ſuch Account.

XIII. **And be it Enacted** *by the ſame Authority*, That all Slaves imported by Land, into any of the Counties aforeſaid, as ſhall not be reported in the Manner before mentioned, and within the Time hereby limited for that Purpoſe, ſhall be forfeited: And all the ſaid Forfeitures ſhall and may be recovered by any Perſon or Perſons, in any Court of Record; one Half whereof is to be paid to the Treaſurer, to and for his Majeſty's Service, and the other Half to him or them that ſhall ſue for and proſecute the ſame to Effect.

Slaves imported into the ſaid Counties not reported, to be forfeited.

XIV. **And be it always Provided, and be it Enacted** *by the Authority aforeſaid*, That if any Purchaſer of a Slave, ſhall, by Fire or other Accident, have loſt the Certificate hereby directed to be given by the Treaſurer, ſhall prove, by credible Witneſſes, that they had ſeen ſuch Purchaſer to have had ſuch a Certificate; then, and in ſuch Caſe, ſuch Proof ſhall be allowed to be of equal Force as the Certificate it ſelf would have been; any Thing herein contained to the contrary thereof notwithſtanding.

Proof of having loſt a Certificate by Accident, of equal Force as the Certificate would have been.

XV. **And be it Enacted** *by the Authority aforeſaid*, That all Wines to be imported in this Colony, during the Continuance of this Act, ſhall be liable to pay full Duty, if filled up on board, or on Shore, whether they are found, or otherwiſe: But if the ſame are not filled up on board, or on Shore, *Ten per Cent.* out of the ſaid Duty, is to be deducted out of the whole Parcel, which every Merchant or other Perſon, ſhall import in each Veſſel reſpectively. **Provided nevertheleſs**, That if, of any ſuch Parcel of Wine, it ſhall appear to the Treaſurer, by the Oath of the Maſter, Mate, or one of the Mariners of the Veſſel importing the ſame, that one or more Pipes, or other Caſks, are ſtaved, or wholly leaked out, no Duty ſhall be demanded or paid, for the Pipe or Caſk,

How Duty of Wine ſhall be calculated in Caſe of Leaking.

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that ſhall ſo appear to be ſtaved, or wholly leaked out; and if, of ſuch Perſon or Perſons who have only one or two Pipes, or other Caſks of Wine, on board of any particular Veſſel, one Half Part or more thereof, ſhould happen to be leaked out, Duty ſhall be paid for ſo much only as may remain therein: **Provided**, The ſworn Guager do firſt certify to the Treaſurer, the real and net Contents thereof; for which Certificate, the ſaid Guager is to demand and receive from the Importer, the Sum of *Twelve Pence*, and no more.

Draw-Back of 20*s.* per Pipe, for Wine exported beyond Sea.

XVI. And whereas it is evident, that the allowing a Draw-back on Wine exported in Time, will very much encourage the importing a much larger Quantity of it, than is required for the Conſumption of this Colony; and as the ſame is chiefly purchaſed with the Produce of this Country, it is not leſs evident, that the more Wine is imported, ſo it will afford a greater Vent of our Country Produce; increaſe our Trade and Navigation; enable the Merchants to ſupply other Parts when their Markets encourage it; and at the ſame Time, rather augment than leſſen the Amount of the Duty now impoſed on it; **Be it therefore Enacted** *by the Authority aforeſaid*, That if any of the Wines to be imported in this Colony, from the Commencement of this Act, and during its Continuance, ſhall, *bona fide*, be exported to any Place or Places beyond Sea (the Colonies of *Connecticut* and *New-Jerſey* excepted) within ſix Months after their Importation; there ſhall be drawn back out of the Duty paid, or ſecured to be paid for the ſame, the Sum of *Twenty Shillings*, for every Pipe of Wine filled up, that ſhall be ſo exported, under the Reſtrictions and Regulations herein after provided and directed.

The Wine to be entred with the Treaſurer, before Exportation.

XVII. And to prevent all Manner of Fraud in the ſaid Draw-back; **Be it Enacted** *by the ſame Authority*, That before any Perſons or Perſon ſhall be intitled thereto, or have the Benefit thereof, the Wines intended for Exportation, ſhall be duly entered with the Treaſurer, before the ſame are ſhipped; and at the ſame Time, an Oath (or, if a Quaker, an Affirmation) is to be made before the ſaid Treaſurer, *That all the Wines ſo entered for Exportation, were imported in the whereof was Maſter, and that the ſame were duly entered with the Treaſurer of this Colony, and Duty thereof actually paid, or ſecured to be paid, on the Day of* And the Exporter is to ſwear, or affirm, *That the Wines entered for Exportation, are intended to be tranſported beyond Sea, excluſive of the Colonies of* Connecticut *and* New-Jerſey, *and are not intended to be relanded in this Colony; and that in Caſe he or ſhe ſhall thereafter, know or ſuſpect ſuch Wines to be relanded, or intended to be relanded in this Colony, he or ſhe ſhall immediately give Notice thereof unto the ſaid Treaſurer:* And in the firſt Blank above, is to be inſerted the Name of the Ship or Veſſel in which ſuch Wines were imported; in the ſecond Blank, the Name of the Maſter of ſuch Ship or Veſſel; in the third, the Day of the Month; and in the laſt, the Month and Year.

The Exporter's Oath.

Directions for filling up the Blanks in it.

The Exporter alſo to take Oath of the Number of Pipes ſhipped by him, and of the Names of the Maſter, Veſſel, &c. The Oath to be filed or entred by the Treaſurer.

XVIII. **And be it further Enacted** *by the ſame Authority*, That when an Exporter of Wine ſhall have proceeded in in the Manner before directed, and that ſuch Wine is actually put on board of the Veſſel in which the ſame is intended to be exported; ſuch Exporter is then to make Oath (or an Affirmation, if a Quaker) *Of the exact Number of filled up Pipes of Wine ſo put on board by him or her, as likewiſe of the Names of the Maſter, the Veſſel, and of the Place or Port ſhe is bound to:* After which, the ſaid Treaſurer is to put ſuch Oath or Affirmation on a File, or enter in a Book, as well for his own Juſtification, as to be made Uſe of, if any indirect Practices ſhould be committed.

In Caſe Wine be reimported, the

XIX. **And be it further Enacted** *by the Authority aforeſaid*, That if Wine for which the ſaid Draw-back ſhall be allowed, ſhould be re-imported, the Importer

Importer thereof, ſhall duly enter the ſame before the Landing thereof, to the Treaſurer, and pay back to him, within ten Days after ſuch Importation, the Draw-back which ſhall have been allowed for the ſame at its Exportation: But if ſuch Wine ſhould be relanded in a clandeſtine or fraudulent Manner, the ſame ſhall be forfeited; and if ſuch fraudulent relanding ſhould be committed by the Perſon who had, or was to have the Benefit of the ſaid Draw-back thereof, or by his or her Order; he or ſhe, ſhall moreover forfeit double the Value of ſuch Wine; and the ſaid Forfeitures ſhall and may be recovered in any Court of Record within this Colony, by Bill, Plaint or Information, wherein no Eſſoyn, Wager of Law, or more than one Imparlance ſhall be allowed; one Third of which Forfeitures is to be paid to the Treaſurer, to and for his Majeſty's Service; one other Third to the Lieutenant Governor, or Commander in Chief for the Time being; and the remaining Third to the Perſon or Perſons who ſhall ſue for and proſecute the ſame to Effect: And of all the Draw-back which ſhall, by Virtue of this Act, be remitted or paid by the Treaſurer, he is to keep a particular Account, and to render the ſame on Oath, as his other Accounts are herein after directed to be rendered by him.

Importer to enter the ſame, and pay back to the Treaſurer the Draw-back.

The Forfeiture for relanding Wine clandeſtinely.

The Application of the Forfeiture.

The Treaſurer to keep an Account of the Drawback, and render the ſame on Oath.

XX. **And be it further Enacted** *by the Authority aforeſaid*, That the Duty hereby impoſed on Rum, Brandy, or other diſtilled Liquors, as likewiſe on Shrub, or any other Liquors, of which the greater Part is diſtilled Liquors, imported in the City of *New-York*, during the Continuance of this Act; ſhall be calculated from the Accounts which the ſaid Guager ſhall render to the Treaſurer, of the Net Contents thereof: And the ſaid Guager is hereby obliged and required, to deliver ſuch Accounts to the ſaid Treaſurer, from Time to Time; mentioning the Names of the Veſſel, Maſter, and Importer of ſuch Liquors, within fourteen Days next after he ſhall have guaged the reſpective Parcels thereof; and in ſuch guaging, he is to do Juſtice between the King and the Importer, according to the beſt of his Skill and Underſtanding.

How the Duty on Rum, and other diſtilled Liquors, is to be calculated.

XXI. AND whereas Maſters or Commanders, often have Remains of Wine, Rum, or other diſtilled Liquors, left of their Sea-Store, when they arrive in this Port, which ought to be Duty free, if the Quantity is but ſmall; **Be it Enacted** *by the ſame Authority*, That if ſuch remaining Sea-Store doth not exceed the Quantity of *Ten Gallons* of Wine, or *Ten Gallons* of Rum, or other diſtilled Liquors; the ſame ſhall paſs free of Duty; but for what ſuch Stores exceed the ſaid Quantities, Duty ſhall be paid according to this Act.

Ten Gallons of Wine, Rum or other diſtilled Liquors, allowed to Maſters for Sea Store, free of Duty.

XXII. **And be it further Enacted** *by the Authority aforeſaid*, That all Perſons importing Cocoa, during the Continuance of this Act, ſhall enter the ſame with the Treaſurer of this Colony, before its being landed; and at the ſame Time, produce unto him, the Invoice or Invoices thereof; and if the ſame doth thereby appear to be in *Engliſh* Weight, the Tare of the Caſk or Thing containing it, is only to be deducted: But if it ſo appears to be in *Dutch* Weight, the Tare of the Thing containing it, is firſt to be deducted, and of the Remainder, Duty is to be paid for every One Hundred and Four Pounds *Dutch* Weight, as on One Hundred and Twelve Pounds; and in that Proportion for a greater or leſſer Quantity: And all ſuch Parcel and Parcels of Cocoa, whereof no Invoice or Invoices is or are produced, are to be weighed at the ſole Charge of the Importer, or the Perſon entering the ſame; and where Invoices are produced, the Perſon producing the ſame, is to make Oath (or Affirmation, if a Quaker) to the ſaid Treaſurer, *That ſuch Invoice is real, and true, to the beſt of his Knowledge and Belief*; otherwiſe the Cocoa is to be weighed at the ſole Charge of the Perſon importing or entring the ſame in Manner aforeſaid.

How Duty of Cocoa is to be calculated.

XXIII.

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XXIII. And be it Enacted *by the Authority aforeſaid*, That of all *European* or *Eaſt-India* Goods, to be imported during the Continuance of this Act, from the *Britiſh* Iſlands in the *Weſt-Indies*, the Importer, or Perſon entering the ſame, ſhall, in their reſpective Entries thereof to the Treaſurer, ſet down and mention the prime Coſt of ſuch Goods, and make Oath (or Affirmation, if a Quaker) *That ſuch Value is according to the Invoice thereof ſent to him or her, or brought by him or her, from the Iſland or Iſlands ſuch Goods came; and that he or ſhe believes that ſuch Invoice is real and true*: And if no ſuch Invoice is produced, or that any Diſputes ſhould ariſe concerning ſuch Value; the Treaſurer is to nominate and appoint one credible Merchant, and the Importer another, who are to apraiſe ſuch Goods to the beſt of their Judgments; and according to ſuch Appraiſement, which is to be at the ſole Charge of the Importer, the real Value of ſuch Goods is to be aſcertained.

How Duty on Dry Goods is to be calculated.

XXIV. And for the effectual ſecuring the Payment of the ſeveral Duties impoſed by this Act; Be it Enacted *by the Authority aforeſaid*, That the Maſter, Mate, or Purſer, of every Ship or other Veſſel, which ſhall, during the Continuance of this Act, come into any Port, Creek or Harbour within this Colony, to trade or traffick, ſhall not only make Report to his Majeſty's Collector, or his Deputy, according to Law, but ſhall likewiſe, if any dutiable Goods are found, repair to the Treaſurer of this Colony, within Forty-eight Hours after his Arrival in the Port of *New-York*, and make to him a full and true Report, of all and every Parcel or Parcels, of the ſeveral Goods and Commodities, whereon a Duty is laid by this Act, which were on board of ſuch Ship or Veſſel at her Arrival in this Colony; and to deliver an exact and true Manifeſt thereof, under his Hand, to the ſaid Treaſurer, mentioning therein the Quantities of ſuch dutiable Goods, and the Name and Names of the Perſon and Perſons to whom the ſame belong, or are conſigned; and at the ſame Time, to take the following Oath (or Affirmation, if a Quaker) *to wit*.

How Maſters of Veſſels ſhall make their Entries of Goods.

The Maſter's Manifeſt.

I *of the* *called the* *do ſwear (or affirm) That this Manifeſt is true; and that no more, or other Slaves, Wine, Rum or other diſtilled Liquors, Shrub, Cocoa, or dutiable Dry-Goods, were on board of the ſaid Veſſel when ſhe arrived within this Colony, than thoſe mentioned in this Manifeſt.*

In which firſt Blank, is to be put the Name of the Perſon ſwearing or affirming, and whether he is Maſter, Mate, or Purſer; in the ſecond, the Nature of the Veſſel, whether Ship, Snow, Brigantine, Schooner, *&c*, and in the third, the Name of the Veſſel; and to add thereto the Name of the Place ſhe came laſt from.

XXV. And to the End, Veſſels bound or intended for this Colony, which have on board Wine, or Rum, conſigned to other Colonies, may not be diſcouraged from coming directly hither; Be it Enacted *by the ſame Authority*, That whenever the Caſe ſhall ſo happen; the Perſon making Report, and delivering a Manifeſt in the Manner before mentioned, of all the dutiable Goods brought by ſuch Veſſel into this Colony, he is to mention therein diſtinctly, the Quantity of Wine, and Rum bound elſewhere, together with the Name or Names, of the Perſon or Perſons, as alſo the Place or Places the ſame belong, or are conſigned to; and to add to the Oath or Affirmation before mentioned, viz. *And I do further ſwear (or affirm) for the Goods mentioned in this Manifeſt, to be bound elſewhere, I actually ſigned Bills of Lading for that Purpoſe, at the Place they were taken on board.* And the Wine and Rum ſo ſworn to, ſhall and may be carried to the Place they are conſigned to, either in the ſame Veſſel, or in another: Provided, the Exporter do firſt ſwear, or Affirm, before the Treaſurer, *That ſuch Liquors are not deſigned or intended to be landed or brought back*

How in Caſe Goods are conſigned to another Port.

Wine and Rum may be carried to the Place they are conſignedto without Duty, on the Exporter's ſwearing that ſuch Liquors are not intended to be brought back.

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back into this Colony: And all Wine and Rum ſo reported, ſworn to, and exported as aforeſaid, ſhall be free of the Duty impoſed by this Act; any Thing therein to the contrary notwithſtanding.

XXVI. **And be it further Enacted** *by the Authority aforeſaid*, That all Maſters or Commanders of Veſſels coming into this Colony, to trade or traffick, who ſhall omit or neglect to make ſuch Report, and take ſuch Oath or Affirmation, as aforeſaid, to and before the ſaid Treaſurer, within the Time before mentioned for that Purpoſe, or ſhall land or put on Shore within the Limits of this Colony, any of the before mentioned dutiable Goods, (except Slaves attending on their Maſters or Miſtreſſes;) he and they ſo offending, ſhall forfeit the Sum of *One Hundred Pounds*, current Money of this Colony; one Third thereof to and for his Majeſty's Service; one other Third to the Lieutenant Governor, or Commander in Chief for the Time being; and the remaining Third to the Perſon or Perſons who ſhall ſue for, and proſecute the ſame to Effect, by Bill, Plaint, or Information, in any Court within this Colony; **Provided**, that ſuch Suit or Suits, ſhall be brought within ſix Months next after the Offence is committed, and at no Time thereafter.

The Penalty on Maſters of Veſſels for not making due Entry.

XXVII. **And be it Enacted** *by the ſame Authority*, That if any Merchant, Factor or other Perſon, ſhall land or put on ſhore, any of the before mentioned dutiable Goods, before he or they have duly entered the ſame with the Treaſurer, and paid, or ſecured the Payment of the Duty thereof, to him, according to this Act; all ſuch dutiable Goods, ſo landed or put on ſhore (except Slaves attending on their Maſters and Miſtreſſes) ſhall be forfeited, recovered, applied and divided in the Manner before mentioned.

Penalty on Merchants for not making due Entry, &c.

XXVIII. **And be it further Enacted** *by the Authority aforeſaid*, That after Report and Entry is made in the Manner before mentioned, of any Ship or other Veſſel, coming to trade or unload in this Colony; every Merchant, Factor or other Perſon, having dutiable Goods on board ſuch Veſſel, or ſome other Perſon in his or their Behalf, ſhall make particular Entry of ſuch Goods to the Treaſurer, and at the ſame Time, pay unto him the Duties thereof, if the ſame do not exceed the Sum of *Ten Pounds*; and if ſuch Duties exceed the ſaid Sum, he, ſhe or they, ſo entring or owning ſuch Goods, ſhall well and ſufficiently ſecure the Payment thereof, within three Months after the Date of the Entry of ſuch Goods, by Bond or Bill, at the Diſcretion of the ſaid Treaſurer; who is thereupon to give gratis to the Perſon ſo paying, or ſo ſecuring the Payment of ſuch Duties, a Certificate to the Land and Tide-Waiter, for the Time being, that Duties are paid, or ſecured to be paid, according to this Act, for the Goods to be mentioned in ſuch Certificate; and thereupon ſuch Goods ſhall and may be landed and houſed, without any Manner of Hindrance or Obſtruction.

If the Duties are under £. 10, to be paid immediately; if above, within three Months.

On Duty being ſecured, the Treaſurer to certify the ſame to the Tide-Waiters.

XXIX. **And be it alſo Enacted** *by the ſame Authority*, That for the Recovery of ſuch of the Duties impoſed by this Act, as ſhall not be paid within three Months after the Entry thereof, the ſaid Treaſurer ſhall be, and hereby is fully authorized and impowered, to cauſe Proceſs to be iſſued againſt all and every Perſon and Perſons, who ſhall ſtand indebted for Duties longer than the three Months allowed for the Payment thereof: And the ſaid Treaſurer is hereby further authorized and impowered, to cauſe the like Proceſs to be iſſued againſt all and every Perſon and Perſons, who owe any Duties, or Arrears of Duty, ariſen by Virtue as well of the Act, entitled, *An* Act *for and towards ſupporting the Government of this Colony, by granting to his Majeſty the Duties therein mentioned, from the firſt Day of* December, *One Thouſand Seven Hundred and Forty, to the firſt Day of* December, *One Thouſand Seven Hundred and Forty One*; (which Act ſtands continued to the firſt Day of *January* next) as of any former

The Treaſurer impowered to ſue for the Duties.

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mer Act or Acts, by which Duties have been impoſed for the Support of this Government, notwithſtanding thoſe Acts are expired by their own Limitation: And for this Purpoſe, ſuch Parts only of the ſaid expired Acts, as are requiſite to recover the Debts and Arrears aforeſaid, are hereby declared to be of full Force: And in thoſe Caſes, all Courts within this Colony, in which Suits ſhall be brought for ſuch Duties, or Arrears of Duties, as aforeſaid, ſhall allow the Entries of Importers with the Treaſurer, good and ſufficient Evidence in Law.

Penalty for not ſuing in three Months.

XXX. **And be it further Enacted** *by the Authority aforeſaid*, That if the ſaid Treaſurer ſhall not cauſe Proceſs to be made, for any Duties to ariſe by Virtue of this Act, at the End of the three Months hereby limited for the Payment thereof; ſuch Duties, and the Arrears thereof, as he ſhall ſo omit to ſue for, ſhall be deemed as Aſſets in his Hands, and he ſhall in ſuch Caſe be anſwerable for the ſame accordingly.

Treaſurer may ſue in the King's Name, but at his own Coſts.

XXXI. And to the End the ſaid Treaſurer may not be left Remedileſs in the Caſe above mentioned; **Be it Enacted** *by the ſame Authority*, That he ſhall be, and hereby is fully authorized and impowered, to commence and proſecute Suits in his Majeſty's Name, but as his own Coſts and Charges, for ſuch Part of the above mentioned Duties, as by the foregoing Clauſe he is made anſwerable for.

Maſters of Veſſels to acquaint the Tide Waiter, where they will unload.

XXXII. And for the better Inſpection of the ſaid Duties in the Port of *New-York*; **Be it Enacted** *by the Authority aforeſaid*, That during the Continuance of this Act, all Maſters of Veſſels who have dutiable Goods on board, and report the ſame to the Treaſurer, ſhall acquaint the Land and Tide-Waiter, at which of the Wharfs or uſual Landing-Places, he intends to put ſuch Goods aſhore; and ſuch Maſter as ſhall preſume to land them at any other Place (unleſs by Permiſſion of ſuch Officer) ſhall forfeit, tho' the Goods were duly entered, the Sum of *Five Pounds*; to be recovered before any two Juſtices of the Peace, who are hereby impowered to hear and determine the ſame; one Half of which Forfeiture to be paid to the Treaſurer, for his Majeſty's Service, and the other Half to the Officer who ſhall ſue for, and recover the ſame: **Provided nevertheleſs**, That Slaves may be landed at any other Place, as ſoon as the Maſter has made Report thereof in Manner as aforeſaid.

Land and Tide-Waiters Duty.

XXXIII. And for the End before mentioned; **Be it Enacted** *by the ſame Authority*, That the preſent Land and Tide-Waiter, or the Land and Tide-Waiter for the Time being, ſhall be, and hereby is veſted with all proper Powers to execute the Office of a Land and Tide-Waiter; and is ſtrictly charged and required, diligently and conſtantly to attend and perform that Service in the beſt Manner he is able, according to the Directions and true Meaning of this Act, as well for preventing Frauds and Abuſes in the Duties hereby impoſed, as to give no unneceſſary Delay to Merchants or Maſters of Veſſels, in the Diſpatch of their Buſineſs.

The Treaſurer to adminiſter Oaths.

XXXIV. And to the End, Trade and Navigation may meet with all reaſonable Diſpatch; **Be it Enacted** *by the Authority aforeſaid*, That the Treaſurer of this Colony ſhall be, and hereby is, fully authorized, impowered and required, to adminiſter all and every the Oaths and Affirmations by this Act directed to be taken by Maſters, Mates or Purſers of Veſſels, and by Merchants and Importers of dutiable Goods; for adminiſtring of which, no Fee or Reward is to be taken.

Goods for which the Duty has been paid being exported, and afterwards returned, to be free from a ſecond Duty.

XXXV. **And be it Provided, and Enacted** *by the ſame Authority*, That if any of the Goods hereby made dutiable, and for which Duty has been actually paid, ſhould be exported out of this Colony, and afterwards returned to, and re-imported within the ſame; ſuch Goods ſhall be free from paying a ſecond Duty: **Provided**, An Oath (or Affirmation, if a Quaker) be made before the Treſurer,

Treasurer, *That the Duty has been actually paid for such Goods; the Time when, and in what Vessel, and from what Place the same were first imported into this Colony.*

XXXVI. AND that the Duties imposed by this Act, may be secured and received in the County of *Suffolk*; **Be it Enacted** *by the Authority aforesaid*, That *Isaac Hubbard*, Esq; the present Officer of the Colony Duties in the said County; and in Case of his Death or Removal, such other fit and discreet Person residing in the Town of *South-hold*, or *Shelter-Island*, as shall be commissionated by the Lieutenant Governor, or Commander in Chief for the Time being, with the Approbation of the Council, shall be, and hereby is fully authorized, impowered, directed and required, to inspect and manage the Duties imposed by this Act, and to secure and receive the same, for all the dutiable Goods and Merchandizes that shall be imported in the said County of *Suffolk*, and the District thereof, during the Continuance of this Act; and of all the Duties to arise thereby, he is to keep exact Books; and every Six Months he is to transmit true Accounts thereof upon Oath, to the Treasurer of this Colony, together with all and every the Sum and Sums of Money which he shall receive by Means of the said Duty; and a Receipt thereof from the said Treasurer, shall be to him a sufficient Discharge for so much as shall therein be mentioned to be received.

Mr. *Hubbard* appointed to collect the Duty in the County of *Suffolk*; and on his Death, &c. another be appointed by the Commander in Chief for the Time being, with the Approbation of Council.

The Duty of those Officers.

XXXVII. **And be it Enacted** *by the same Authority*, That in all Matters relating to the said Duties in the County of *Suffolk*, the before mentioned Officer shall, in every Respect, and to all Intents and Purposes whatever, have the same Power and Authority, and do, perform and execute, all and singular the Powers, Duties and Functions in the said County, as in this Act is given to, and required from the Treasurer, and Land and Tide-Waiter in *New-York*, in as full and ample Manner, to all Intents, Constructions and Purposes whatever, as if the same Powers, Duties and Functions, were expresly herein given to him directly; and is hereby required to act accordingly. And for Slaves whereof the Duty shall be paid to him, he shall and may give and sign Certificates, in the same Form herein before prescribed; which shall be of the same Use and Effect, as those herein directed to be given and signed by the Treasurer; and he shall be allowed the like Fee for the same.

The Power of the Officer in the County of *Suffolk*.

XXXVIII. **And be it likewise Enacted** *by the Authority aforesaid*, That all Masters, Mates or Pursers, coming to trade or traffick in the said County of *Suffolk*, and all Merchants, Factors, and all other Persons, whether acting for themselves, or for others, and likewise all the dutiable Goods that may come to, or be landed in the said County, during the Continuance of this Act; shall be subject and liable to all the Rules, Regulations and Injunctions, and liable to the same Fines, Penalties and Forfeitures, as are herein before mentioned for the Port of *New-York*, as well under the Management of the Treasurer, as under the Inspection of the Land and Tide-Waiter, as fully, amply, and effectually, to all Intents, Constructions and Purposes whatever, as if those several Matters were at large inserted in this Clause.

All Masters of Vessels, Merchants, &c. and all dutiable Goods landed in *Suffolk*, liable to the same Rules, &c. as those brought to *New-York*.

XXXIX. **And be it Enacted** *by the same Authority*, That all Persons importing, during the Continuance of this Act, any Rum, Brandy, or other distilled Liquors, as likewise Shrub or other mix'd Liquors, whereof the greater Part is distilled Spirits, in the District or County of *Suffolk*, shall enter the same with the Officer thereof, before their being landed, and at the same Time produce to him the original Invoice or Invoices thereof, and make Oath before him, that such Invoice is real and true, according to the best of his or her Knowledge, and in this Case the Quantity of Gallons is to be ascertained accordingly; and if the Casks are not filled up on board of the Vessel importing the same, or on Shore, the following Deduction is to be allowed out of the

Persons importing strong Liquors into *Suffolk* District must enter the same there.

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the ſaid Invoices, *that is to ſay*, on ſuch Liquors from the *Weſt-Indies*, Five *per Cent.* and from the neighbouriug Colonies, Three *per Cent.* and the net Quantity of Gallons is to be aſcertained accordingly: But if the Caſks are filled in Manner aforeſaid, then the full Quantity is to pay the Duty impoſed by this Act. And if no ſuch Invoice is produced and ſworn to, as aforeſaid, the Caſks are to be guaged at the Charge of the Importer, by a fit Perſon to be appointed and named by the ſaid Officer of the Diſtrict aforeſaid; and the net Quantity of Gallons is in this Caſe to be aſcertained accordingly; any Thing herein before to the Contrary notwithſtanding.

Future Officers of Duty in *Suffolk*, and Land and Tide-Waiters in *New-York*, to take the uſual Oaths.

XL. **And be it Enacted** *by the ſame Authority*, That if (during the Continuance of this Act) another Officer of the Colony Duty in *Suffolk* County, or another Land and Tide-Waiter in the Port of *New-York*, be appointed; they ſhall ſeverally take the uſual Oaths of ſuch Officers, before they take upon themſelves the Execution of their reſpective Offices.

How the Fines, &c. incurred in *Suffolk* County, ſhall be recovered and applied.

XLI. **And be it alſo Enacted** *by the ſame Authority*, That all Fines, Penalties and Forfeitures, which may happen to become due in the ſaid County, during the Continuance of this Act, ſhall be recovered, applied and divided in the Manner herein before directed; **Provided**, That all dutiable Goods which ſhall be carried to the ſaid County, from the Port of *New-York*, and of which the Duty has been paid there, ſhall not be liable to pay Duty in the ſaid County.

The Officer in *Suffolk* County, may retain 1/6 *per* Pound, as a Reward for his Services.

XLII. **And be it further Enacted** *by the Authority aforeſaid*, That it ſhall be lawful, to and for the ſaid Officer in *Suffolk* County, to retain in his Hands, the Sum of *One Shilling and Six Pence*, on every Pound which he ſhall receive by Virtue of this Act, and pay unto the Treaſurer in Purſuance thereof, as a Reward for the ſeveral Services hereby required to be performed by him.

The Treaſurer being indiſpoſed, or abſent, may appoint a Deputy, but ſhall be anſwerable for his Acts.

XLIII. And whereas the Buſineſs of the Treaſury requires a conſtant Attendance in the City of *New-York*, for the Diſpatch of Maſters of Veſſels, as well as of Merchants and other Perſons; **Be it Enacted** *by the Authority aforeſaid*, That when ever the Treaſurer ſhould happen to be indiſpoſed, or out of Town; it ſhall and may be lawful for him, from Time to Time, to conſtitute a fit Deputy under him; who thereupon ſhall have the ſame Powers to tranſact the Affairs of the Treaſury, as are hereby given to the Treaſurer himſelf. **Always Provided**, That he ſhall be anſwerable and accountable for all and every Act done by Virtue of ſuch Deputation, in the ſame Manner as if ſuch Act was done by himſelf.

The Money ariſing by Virtue of this Act, to remain in the Treaſury, till applied by Acts of Aſſembly.

XLIV. **And be it Enacted** *by the ſame Authority*, That all the Money to ariſe by Virtue of this Act, ſhall remain in the Treaſury, until the ſame ſhall be applied and diſpoſed of by Act or Acts of the Lieutenant Governor, or Commander in Chief for the Time being, the Council, and the General Aſſembly, to be paſſed for that Purpoſe, in this preſent Seſſion, or in any other Seſſion or Seſſions thereafter; and if any Part of the ſaid Money ſhall be iſſued in any other Manner, it ſhall be deemed a Miſapplication, and the ſaid Treaſurer ſhall be accountable and anſwerable for the ſame; any Warrant, Mandate, or Order notwithſtanding.

The Treaſurer to render an Account on Oath, of the Money received by Virtue of this Act.

XLV. **And be it Enacted** *by the Authority aforeſaid*, That of all and every Sum and Sums of Money, which the ſaid Treaſurer ſhall receive and pay by Virtue of this Act, he ſhall keep exact and diſtinct Books, and render true Accounts thereof upon Oath, to the Lieutenant Governor, or Commander in Chief for the Time being, to the Council, or to the General Aſſembly; when by them, or any of them thereunto required.

CHAP.

27th GEORGE II. A. D. 1753.

CHAP. XXVIII.

An ACT *further to impower the Justices of the Peace in the County of* Albany, *living and dwelling in the Town of* Schenectady, *in the said County, to drain the Water out of the Streets thereof.*

Reviv'd by Chap. 202, Post.

Pass'd the 12th December, 1753.

WHEREAS by Reason of the Situation of the Town of *Schenectady*, the Streets thereof are very often muddy and watery, and so made difficult to pass; and in the Acts made for regulating the Streets and Highways in the County of *Albany*, no sufficient Provision is made to remove the Inconveniences aforesaid; wherefore to remedy the same:

I. **Be it Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby* **Enacted** *by the Authority of the same*, That the Justices of the Peace of the County of *Albany*, living and dwelling within the Township of *Schenectady*, or the major Part of them, are hereby impowered and authorized, from and after the Publication of this Act, to order and direct, all and every the Inhabitants of the said Township, to make Gutters or Drains from the said Streets, of such Length and Breadth as may be sufficient to drain the Water out of the same; and as the said Justices, in their Discretion shall think meet: **Provided**, No Person be obliged to work more than Six Days in each Year, during the Continuance of this Act: And if any Person or Persons, Inhabitants of the said Township, shall refuse, neglect or delay, to yield Obedience to the Orders and Directions of the said Justices in that Behalf; every such Person and Persons shall forfeit the Sum of *Three Shillings*, for every Day's Disobedience, Refusal, Neglect or Delay; to be recovered before any of his Majesty's Justices of the Peace aforesaid, and to be applied to and for the defraying the necessary Charges of the said Townshiip.

Gutters and Drains to be made for the Streets.

II. **Provided, and be it Enacted**, That nothing in this Act contained, shall extend, or be construed to impower the Justices aforesaid, to order and direct any Gutters or Drains to be made through or on any particular Person or Persons Land, without the Consent of the Owner or Owners thereof, or paying to him, her or them, the true Value of the same, together with the Damage he, she or they may sustain by Reason aforesaid; and if any Dispute should arise by that Means, the same shall be determined, and the true Value of the Land so made into Gutters or Drains, and the Damages as aforesaid, set and appraised by two Justices of the Peace of the said County, living in the said Township, and by the Oaths of three Freeholders of the same, not having any Interest in the Land about which such Dispute may arise, the said Freeholders to be summoned by the Constable, by Virtue of a Warrant from the said two Justices for that Purpose; and the Inhabitants aforesaid, shall defray the whole Charges of the Value of the Land, Damages and Costs respecting the same, which shall be raised, levied and collected in the same Manner as the other necessary and contingent Charges of the said Townshiip are.

Except through Persons Lands without their Consent.

III. **And be it Enacted** *by the Authority aforesaid*, That this Act shall be of Force from the Publication hereof, until the first Day of *January*, which will be in the Year One Thousand Seven Hundred and Sixty.

Continuance of this Act.

27th GEORGE II A. D. 1753.

CHAP. XXIX.

An ACT *to enable the Miniſter, Elders and Deacons of the Reformed Proteſtant* Dutch *Church of the City of* New-York, *to ſell and diſpoſe of their Lands, Tenements and Hereditaments in the County of* Weſtcheſter, *commonly called and known by the Name of the* Manor of Fordham; *and for granting unto them ſome further Liberties and Privileges, for the better Management of their Affairs, and the Well-ordering and Governing of their ſaid Church.*

Private. Confirmed by the King, 25th Feb. 1755.

Paſs'd the 12th December, 1753.

CHAP. XXX.

See Chap. 736 and Chap. 876, Vol. 1. Revived and continued by Chap. 183 Poſt.

An ACT *to revive and further continue an Act, entitled an Act for the deſtroying of* Wolves *and* Panthers *in the Counties of* Ulſter, Dutcheſs, *and* Orange.

Paſs'd the 12th December, 1753.

WHEREAS ſome Parts of the Act, entitled *An* Act, *for the deſtroying of* Wolves *and* Panthers *in the Counties of* Ulſter, Dutcheſs *and* Orange, have already expired; and other Parts thereof having been longer continued, will expire by their own Limitations, on the firſt of *January* next: And the ſaid Act having been found uſeful:

Act revived.

I. **Be it Therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That the aforeſaid Act, entitled *An* Act, *for the deſtroying of* Wolves *and* Panthers, *in the Counties of* Ulſter, Dutcheſs, *and* Orange; paſſed in the Sixteenth Year of his Majeſty's Reign; and every Article, Clauſe, Matter and Thing therein contained, ſhall be and hereby is revived, continued, and to be and remain in full Force, to all Intents, Conſtructons and Purpoſes whatſoever, from the Publication hereof, until the firſt Day of *January*, which will be in the Year One Thouſand Seven Hundred and Sixty.

27th GEORGE II A. D. 1754.

The Twentieth ASSEMBLY.

FOURTH SESSIONS.

CHAP. XXXI.

See Chap. 784. 1 Vol. repealed Chap. 79 Poſt.

An ACT *to continue an Act, entitled An Act, to eſtabliſh the Rates to be taken for the Wharfage of Ships and other Veſſels, uſing the Three Wharfs therein mentioned.*

Paſs'd the 1ſt May, 1754.

CHAP.

27th GEORGE II
A. D. 1754.

CHAP XXXII.

An ACT *to revive an Act, entitled An Act, to prevent the breaking or otherwise injuring Glass Lamps, in the City of* New-York.

See Chap. 913. 1 Vol.

Pass'd the 1st May, 1754.

WHEREAS an Act, entitled *An* Act, *to prevent the breaking or otherwise injuring Glass Lamps in the City of* New-York, passed in the Twenty-fifth Year of his Majesty's Reign, expired by its own Limitation, the first Day of *January*, One Thousand Seven Hundred and Fifty Three; and the said Act having been found very useful to the said City;

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby* **Enacted** *by the Authority of the same,* That the abovementioned Act, entitled, *An* Act *to prevent the breaking or otherwise injuring Glass Lamps in the City of* New-York, shall be and hereby is revived; and every Clause, Article and Thing therein contained, to be and remain in full Force and Virtue, to all Intents, Constructions and Purposes whatsoever.

CHAP. XXXIII.

An ACT *to prolong the Time limited for drawing the Lottery, appointed in and by an Act, entitled An Act, for raising the Sum of* One Thousand One Hundred and Twenty Five Pounds, *by a publick Lottery for this Colony, for a further Provision towards founding a College within the same.*

Obsolete.

Pass'd the 1st May, 1754.

The Twentieth ASSEMBLY.

FIFTH SESSION.

CHAP XXXIV.

An ACT *for the Payment of several Sums of Money, for the Use and Security of this Colony.*

Obsolete.

Pass'd the 4th May, 1754.

CHAP.

27th GEORGE II
A. D. 1754.

CHAP. XXXV.

An ACT *to enable and impower the Mayor, Aldermen, and Commonalty of the City of* New-York, *and their Succeſſors, to prevent and remove particular Nuſances within the ſame, to the Southward of the* Freſh-Water.

Paſs'd the 4th May, 1754.

WHEREAS there are ſundry unincloſed Lots of Ground within the ſaid City, to the Southward of the *Freſh-Water*, the true and lawful Owners and Proprietors whereof, cannot, with any Certainty, be known or diſcovered; many of which Lots of Ground are become common and publick Nuſances, chiefly occaſioned by throwing upon them all Kinds of Filth and Dirt; as alſo for Want of paving the Streets fronting the ſame; from which noxious Vapours and offenſive Smells do proceed, to the endangering the Healths and Lives of the Inhabitants of the ſaid City in general, but more eſpecially the Inhabitants living near the ſame: For removing and preventing ſuch Nuſances for the future;

I. **Be it Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That from and immediately after the Publication of this Act, the Mayor or Recorder, with four or more Aldermen, and four or more Aſſiſtants of the ſaid City for the Time being, in Common Council aſſembled, or the major Part of them, ſhall, and are hereby fully authorized and impowered, from Time to Time, and at all Times during the Continuance of this Act, ſo often as any Nuſance or Nuſances do happen, or are occaſioned by any Lot or Lots of Ground lying unincloſed, or for Want of ſufficient Pavement, and the Owner or Owners, Proprieror or Proprietors whereof, not appearing, and removing ſuch Nuſances; at the proper Coſts and Charges of the ſaid Mayor, Aldermen and Commonalty, to incloſe and ſurround with good and ſufficient Board Fence, and to remove all ſuch Filth and Dirt, wherewith ſuch Lot or Lots of Ground are covered or incumbered, and the Streets fronting the ſame, to pave with good and ſufficient Pebble Stones ſuitable for paving.

II. **And be it further Enacted** *by the Authority aforeſaid,* That it ſhall and may be lawful to and for the ſaid Mayor, Aldermen and Commonalty, and their Succeſſors, for the Time being, to ſet, let or demiſe ſuch Lot or Lots of Ground, to any Perſon or Perſons, until the true, rightful, and lawful Owner or Owners, Proprietor or Proprietors, ſhall appear, or be diſcovered; and the Monies ariſing therefrom, to uſe and apply to reimburſe and repay the Coſts and Charges laid out and expended by the ſaid Mayor, Aldermen and Commonalty for the Time being, in fencing and incloſing ſuch Lot or Lots of Ground, and removing the Filth and Dirt therefrom, and of paving the Streets fronting the ſame, until the ſaid Coſt and Charges, with Intereſt, be fully paid; and the Surplus ariſing from ſaid Rents (if any be) to be accounted for to the Owner or Proprietor of ſaid Lot or Lots of Ground.

III. **And be it further Enacted** *by the Authority aforeſaid,* That no Owner or Owners, Proprietor or Proprietors of ſuch Lot or Lots of Ground, ſhall re-enter or re-poſſeſs, his, her or their Lot or Lots of Ground, or any Part thereof, until he, ſhe or they ſhall well and truly firſt pay or cauſe to be paid, unto the ſaid Mayor, Aldermen and Commonalty, or their Succeſſors for the Time being, all ſuch Sum and Sums of Money, together with the lawful Intereſt for the ſame, as ſhall have been laid out and expended by them, for the Uſes and Purpoſes herein before particularly mentioned and expreſſed: Any Law, Uſage or Cuſtom to the contrary hereof in any Wiſe notwithſtanding.

The

28th GEORGE II
A. D. 1754.

The Twentieth ASSEMBLY.

SIXTH SESSIONS.

CHAP. XXXVI.

An ACT *for paying* Five Thousand Pounds, *for and towards assisting the Colonies of* Virginia *and* Pennsylvania, *to dispossess the* French *and* Indians, *who have settled and erected Forts on his Majesty's Lands on the River* Ohio, *and Parts adjacent thereto.*

Pass'd the 29th August, 1754.

Obsolete.

CHAP. XXXVII.

An ACT *to continue an Act, entitled An Act, for granting to his Majesty the several Duties and Impositions on Goods, Wares and Merchandizes imported into this Colony, therein mentioned.*

Pass'd the 7th December, 1754.

See Chap. 27. ante. Continued by Chap. 73, post.

CHAP. XXXVIII.

An ACT *to regulate the collecting the Duty of Excise on Strong Liquors retailed in this Colony.*

Pass'd the 7th December, 1754.

Expired 1st January, 1756.

CHAP. XXXIX.

An ACT *to prevent malicious Informations in the Supreme Court of Judicature for the Colony of* New-York.

Pass'd the 7th December, 1754.

WHEREAS an Act of Parliament was made and passed in the Fourth and Fifth Years of King *William* and Queen *Mary*, entitled, *An Act to prevent malicious Informations in the Court of King's Bench, and for the more easy Reversal of Outlawries in the same Court.*

AND whereas it has hitherto been usual and customary in the said Colony, to commence and carry on Prosecutions by Way of Information in the said Supreme Court, for Trespasses, Batteries, and other Misdemeanors, in like Manner as such Prosecutions were commenced and carried on by the Clerk of the Crown-Office in the aforesaid Court of King's Bench, before the Time of the making of the said Act.

AND whereas it is found highly necessary, as well as conceived just and reasonable, That all Prosecutions hereafter to be commenced by way of Information in the said Supreme Court, should be commenced, carried on, and prosecuted, under the like Restrictions and Limitations, and, as near as may

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be, agreeable to the Methods, Manner and Form of commencing, carrying on, and proſecuting Informations for the like Offences, in the Court of King's Bench in *England*.

The Clerk of the Supreme Court, not to receive or file any Information before a Recognizance from the Perſon procuring ſuch Information be firſt delivered him.

I. WHEREFORE the General Aſſembly pray it may be Enacted: **And be it Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly*, That from and after the Publication of this Act, the Clerk of the Supreme Court for the Time being, ſhall not, without expreſs Order to be given by the ſaid Court, receive or file any Information, for any of the Cauſes aforeſaid, or ſeal any Proceſs thereupon, before he ſhall have delivered to him a Recognizance from the Perſon or Perſons procuring ſuch Information or Informations, to be exhibited, to be entered into, to the Perſon or Perſons, againſt whom ſuch Information or Informations is or are to be exhibited, with ſufficient Security in the Penalty of *Twenty Pounds*, that he, ſhe or they, will effectually proſecute ſuch Information or Informations, and abide by, and obſerve ſuch Orders as the ſaid Court ſhall direct; which Recognizance, any one of the Judges of the ſaid Supreme Court is hereby impowered to to take. After the taking and Receipt whereof, the Clerk of the ſaid Court ſhall make an Entry thereof upon Record, and ſhall file a Memorandum thereof in ſome publick Place in his Office, that all Perſons may reſort thereunto without Fee. And in Caſe any Perſon or Perſons, againſt whom any Information or Informations for the Cauſes aforeſaid, or any of them, ſhall be exhibited, ſhall appear thereunto and plead to Iſſue; and that the Proſecutor or Proſecutors of ſuch Information or Informations, ſhall not, at his and their own proper Coſts and Charges, at or before the ſecond Court (in which the ſame might be tried) next after Iſſue joined therein, procure the ſame to be tried; or if upon ſuch Trial a Verdict paſs for the Defendant or Defendants; or in Caſe the ſaid Informer or Informers procure a *Noli Proſequi* to be entered, then, in any of the ſaid Caſes, the ſaid Supreme Court is hereby authorized to award to the ſaid Defendant or Defendants, his or their Coſts, unleſs the Judge before whom ſuch Information or Informations ſhall be tried, ſhall at the Trial of ſuch Information or Informations in open Court, certify upon Record, that there was a reaſonable Cauſe for exhibiting the ſame. And in Caſe the ſaid Informer or Informers ſhall not, within ten Days next after the ſaid Coſts taxed, and Demand made thereof, pay to the ſaid Defendant or Defendants the ſaid Coſts; then the ſaid Defendant and Defendants, ſhall have the Benefit of the ſaid Recognizance to compel them thereunto. **Provided**, That nothing in this Act ſhall extend, or be conſtrued to extend, to any ſuch Information or Informations as are or ſhall be exhibited, by expreſs Order of the Governor or Commander in Chief for the Time being, by and with the Advice and Conſent of the Council, or by Order of the ſaid Supreme Court; any Thing in this Act contained to the contrary notwithſtanding.

After the Receipt of which, he is to make an Entry thereof upon Record.

This Act not to extend to Informations exhibited by Order of Governor and Council, or by Order of the Supreme Court.

CHAP XL.

See 1 Vol. Chap. 895. Expired 1ſt January 1758.

An ACT *to continue the ſeveral Acts for ſupporting the Garriſon and Trading Houſe at* Oſwego, *with ſome Additions.*

Paſs'd the 7th December, 1754.

CHAP. XLI.

Expired at the End of the firſt Seſſions after the 1ſt January 1758. Provided for by Chap. 151, poſt.

An ACT *to impower Juſtices of the Peace to try Cauſes from* Forty Shillings *to* Five Pounds.

Paſs'd the 7th December, 1754.

CHAP.

28th GEORGE II. A. D. 1754.

CHAP XLII.

An ACT *to continue an Act, entitled An Act, to regulate the Militia of this Colony, with an Alteration thereto.*

Pass'd the 7th December, 1754.

See 1 Vol. Chap. 674, and Chap. 26, ante. repealed by Chap. 51, post.

CHAP. LXIII.

An ACT *for the Relief of the Poor in* Dutchess *County, to enable the Inhabitants of the several Precincts thereof, to elect Overseers of the Poor; and to ascertain the Places of their respective Meetings.*

Pass'd the 7th December, 1754.

I. BE it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby* Enacted *by the Authority of the same,* That it shall and may be lawful for the Freeholders and Inhabitants of each respective Precinct in *Dutchess* County, at their annual Meetings for electing Officers, to chuse and elect at the same Time, so many Persons to be Overseers of the Poor, as the Majority of the respective Freeholders and Inhabitants of each Precinct then present shall judge necessary.

Overseers of the Poor in Dutchess County, to be elected annually.

II. And be it Enacted *by the Authority aforesaid,* That all Elections hereafter to be made of Officers in the Precinct called *Beekman*'s Precinct, shall be held at the House where *Arij Jones Delange* now lives; and in that of *Rynbeck* Precinct, at or near the House where Captain *Francis Nehar* now lives; and in all other Precincts in the said County, at the usual Places for electing Officers; any Usage or Custom to the Contrary notwithstanding.

Places appointed for holding Elections.

III. And be it Enacted *by the Authority aforesaid,* That the said Overseers, or the greater Part of them respectively, by and with the Consent of two or more Justices of the Peace, dwelling in or near such Precinct, shall take Order from Time to Time for setting to work all such Persons, married or unmarried, as have no visible Means to maintain themselves; and also to raise a competent Sum of Money yearly to purchase proper Materials for the Poor to work on, for the necessary Relief of such poor People as are not able to work, and for putting poor Children Apprentices. Which Sum of Money, they the said Overseers, with Consent as aforesaid, are hereby authorized and required to ascertain; and the same being so ascertained, shall be assessed, levied and collected, by Warrant from the said Justices, directed to the Assessors and Collectors of each respective Precinct, chargeable therewith, in the same Manner as the other necessary and contingent Charges of the said County are: And the same being so assessed, levied and collected, shall be paid unto the Overseers of each respective Precinct, on or before the Twenty-fifth of *March* in every Year, for the Uses aforesaid.

Persons not having any visible Means to maintain themselves, to be set to work by the Overseers,

IV. And be it Enacted *by the Authority aforesaid,* That the said Overseers, or the major Part of them, by and with Consent as aforesaid, are hereby impowered to bind Apprentices all such Children whose Parents shall not, by the Overseers and Justices as aforesaid, be thought able to keep and maintain them, when they the said Overseers and Justices as aforesaid shall see convenient, 'till such Male Child come to the Age of Twenty-one Years, and such Female Child to the Age of Eighteen.

who are impowered to bind Apprentices.

V. And

28th GEORGE II A. D. 1754.

And to ſet the Poor to work in ſome convenient Place.

V. And be it Enacted *by the Authority aforeſaid*, That the Overſeers, or major Part of them, by and with Conſent as aforeſaid, ſhall find and provide in each Precinct in the County aforeſaid, for the Dwelling of the Poor, and ſetting them to work, ſome fit and convenient Place, at the Charge of the reſpective Precinct where the ſame may be; which Charge ſhall be aſcertained, aſſeſſed, levied and collected, and paid as above.

And to meet once every Year at leaſt.

VI. And be it Enacted *by the Authority aforeſaid*, That the ſaid Overſeers, or ſuch of them as have received ſuch Sum or Sums of Money, and as ſhall not be hindred by Sickneſs or other juſt Excuſe, to be allowed of by two or more Juſtices of the Peace of the ſaid County, ſhall meet together once every Year at the leaſt, in each reſpective Precinct, and ſhall render upon Oath, unto two ſuch Juſtices of the Peace as aforeſaid, a true and perfect Account of all ſuch Sum or Sums of Money by them ſo received and applied as aforeſaid; and all ſuch Sum or Sums of Money as ſhall be in their Hands, ſhall pay and deliver over to the Overſeers reſpectively, who ſhall be elected in each Precinct for the next enſuing Year, upon Penalty of *Forty Shillings*, to be recovered before any one Juſtice of the Peace of ſaid County, to be applied to and for the Relief of the Poor where the Default ſhall happen.

CHAP. XLIV.

Expired 1ſt January, 1756.

An ACT *for the Relief of Inſolvent Debtors, with Reſpect to the Impriſonment of their Perſons in the City of* New-York, *and County of* Weſtcheſter.

Paſs'd the 7th December, 1754.

CHAP. XLV.

Obſolete.

An ACT *for raiſing a Sum not exceeding the Sum of* One Hundred Pounds, *on the Freeholders and Inhabitants of that Part of* Orange *County, which lies to the Northward of the Mountains, for repairing the Court-Houſe in* Goſhen, *and making an Addition thereto.*

Paſs'd the 7th December, 1754.

CHAP. XLVI.

An ACT *to enable the Freeholders, being Inhabitants of the Weſt Diviſion of the County of* Richmond, *to chuſe and elect yearly, at their Town-Meeting, two Conſtables for the ſaid Diviſion.*

Paſs'd the 7th December, 1754.

WHEREAS the Weſt-Diviſion within the County of *Richmond*, is very extenſive, being in Length no leſs than Twelve Miles; and it frequently happens that the Conſtable elected for the ſaid Diviſion, reſides at one of the extreme Parts of the ſaid Diviſion, which proves inconvenient for ſuch Perſon or Perſons, who have Occaſion to bring or ſend a Summons or Warrant to the Conſtable, as the Caſe may happen, who reſides at the other extreme Part of the ſaid Diviſion, which is often the Caſe, and occaſions the Coſt to be increaſed by Mileage in the Court of *Forty Shillings*: For Remedy whereof;

28th GEORGE II. A. D. 1754.

I. **Be it Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby* **Enacted** *by the Authority of the same,* That the Freeholders, being Inhabitants of the said West-Division, shall be and hereby are impowered, at their annual Town-Meeting, on the first Tuesday in *April* yearly,, to elect and chuse two Constables for the said Division, if they shall judge it necessary; and such Person or Persons so chosen and elected as aforesaid, shall serve as Constable or Constables for the then ensuing Year, until there be other or others chosen, elected and qualified, according to Law, in their Room and Stead: And every such Person or Persons so chosen and elected as aforesaid, who shall refuse or neglect to qualify and serve, as is before directed, shall forfeit for every such Offence, the Sum of *Forty Shillings*, to be recovered before any one of his Majesty's Justices of the Peace for the said County, by such Person or Persons who shall prosecute and sue for the same. And in such Case, it shall and may be lawful for any two Justices of the Peace, living in the said Division, or the two nigheſt Justices of the Peace to the said Division, to appoint some fit Person or Persons, to execute the Office of Constable for the said Place, where such Refusal or Neglect shall happen, until a new Election shall be made at the Time or Times before-mentioned: And every such Constable or Constables so appointed as aforesaid, shall be subject and liable to the like Penalty, for neglecting or refusing to serve, as those elected and chosen in Manner aforesaid.

The Freeholders of the West-Division of *Richmond* County to elect and chuse two Constables for the same yearly.

II. **And it is hereby Enacted** *by the Authority aforesaid,* That such Person or Persons who shall be elected, chosen or appointed in Manner as aforesaid, shall not be liable to serve as Constable again, within four Years after: And the Fine or Fines imposed by this Act, shall be applied for the Maintenance of the Poor of the said Division; any Law, Usage or Custom to the contrary notwithstanding.

Who shall not serve more than one Year in four.

CHAP. XLVII.

An ACT *for raising the Sum of* One Thousand One Hundred and Twenty Five Pounds, *by a publick Lottery for a further Provision towards founding a College for the Advancement of Learning within this Colony.*

Obsolete.

Pass'd the 7th December, 1754.

CHAP. XLVIII.

An ACT *for submitting the Controversy between the Colonies of* New-York, *and* New-Jersey, *relating to the Partition Line between the said Colonies, to the final Determination of his Majesty.*

Repealed by the King.

Pass'd the 7th December, 1754.

[By an additional Instruction of the 12th of *August*, 1755, Sir CHARLES HARDY, was directed to recommend it to the Assembly, to provide for One Half of the Expence of settling the Line by Commissioners to be appointed by his Majesty, with Appeal to the King in Privy Council, which is declared to be the only Way of settling the Line of Property and Jurisdiction.]

28th GEORGE II
A. D. 1755.

CHAP. XLIX.

An ACT *for raiſing a Supply of* Forty Five Thouſand Pounds, *by a Tax on Eſtates real and perſonal, for putting this Colony into a proper Poſture of Defence, for furthering his Majeſty's Deſigns againſt his Enemies in* North-America, *and other the Purpoſes therein mentioned; for emitting Bills of Credit for the like Sum, and for ſinking and cancelling the ſaid Bills in ſhort Periods.*

Paſs'd the 19th February, 1755.

[That Part only of the Act which relates to the Emiſſion of Bills of Credit, ſeems neceſſary to be printed.]

45,000 *l.* in Bills of Credit to be printed, to anſwer the immediate Payments.

XV. AND as it is conceived, that it will be impracticable to have the aforeſaid Sums of Money collected ſo ſoon as the preſent Exigencies require; the General Aſſembly pray that it may be enacted, and **Be it Enacted** *by the Authority aforeſaid,* That for making immediate Payment for the ſeveral Services now abſolutely neceſſary to be provided for, Bills of Credit to the Value of *Forty five Thouſand Pounds*, be forthwith printed, made and iſſued, upon the Credit of the Money to be raiſed and levied by Virtue of this Act, and lodged in the Treaſury for that Purpoſe, *that is to ſay*; Two Thouſand and Ninety-four Bills of *Ten Pounds* each; Two Thouſand and Ninety-two Bills of *Five Pounds* each; Two Thouſand and Ninety-two Bills of *Three Pounds* each; Two Thouſand and Ninety-three Bills of *Two Pounds* each; Two Thouſand and Ninety-two Bills of *One Pound* each; and Two Thouſand and Ninety-two Bills of *Ten Shillings* each: Upon each and every of which Bills ſhall be impreſſed, on the Right Side thereof, the Arms of the City of *New-York*, and under the Arms, in different Characters, theſe Words, *Its Death to counterfeit this Bill:* Which Bill ſhall be in the Form following, *That is to ſay*;

Numbers of the Bills.

Form of the Bills

BY a Law of the Colony of New-York, *this Bill ſhall paſs current for* New-York, *the Twenty-fifth Day of* March, *One Thouſand Seven Hundred and Fifty Five.*

Which Bills ſhall be ſigned by Meſſieurs *Iſaac De Peyſter*, *Oliver De Lancey*, *Nicholas Gouverneur*, and *John Livingſton*, or any three of them, and be numbered by one of them; and in caſe of the Death of any of the ſaid Perſons, the ſaid Bills ſhall be ſigned by the Majority of the Survivors of them.

Signers thereof

The Stamps to be delivered to the Printer.

XVI. **And be it Enacted** *by the Authority aforeſaid,* That *Abraham De Peyſter*, the preſent Treaſurer of this Colony, in whoſe Hands the Stamps of the Arms of the City of *New-York*, and the other Plates, are depoſited, ſhall, in the Preſence of the Signers aforeſaid, or the major Part of them, deliver unto *James Parker*, Printer, who is hereby appointed to print the ſaid Bills, and on them to impreſs the ſaid Arms and Plates; which when done, the ſaid *James Parker* ſhall re-deliver to the ſaid Treaſurer the ſaid Stamps and Plates, in the Preſence of the Signers aforeſaid, or the major Part of them; and the Receipt of the ſaid Treaſurer ſhall be to the ſaid Printer a ſufficient Diſcharge for the ſame: And the ſaid Printer is hereby required and directed, to deliver to the Signers hereby appointed to ſign the ſaid Bills, every Bill of Credit by him printed, and ſhall, upon his Delivery of the ſaid Bills, take an Oath in the Words following, *viz.*

I A.B. do declare, That from the Time that the Letters were ſet, and fit to be put in the Preſs, for printing the Bills of Credit now by me delivered to you, until the Bills were printed, and the Letters afterwards diſtributed into the Boxes, I went at no Time out of the Room in which the ſaid Letters were, without locking them up, ſo as they could not be come at without Violence, a falſe Key, or other Art then unknown to me; and therefore to the beſt of my Knowledge, no Copies were printed off but in my Preſence; and that all the Blotters, and other Papers whatſoever impreſſed by the ſaid Letters, whilſt ſet for printing the ſaid Bills, to the Beſt of my Knowledge, are here delivered to you, together with the Stamps; and in all Things relating to this Affair I have well and truly demeaned myſelf, according to the true Intent and Meaning of the Law in that Caſe made, to the beſt of my Knowledge and Underſtanding.

The Printer's Oath.

Which Oath all or any of the ſaid Signers are hereby impowered, required and directed to adminiſter.

XVII. **And be it Enacted** *by the Authority aforeſaid*, That the Perſons herein appointed to ſign the ſaid Bills of Credit, ſhall take an Oath, before a Magiſtrate of the City of *New-York*, each of them, *well and truly, to perform what by this Act they are enjoined as their Duty, and will knowingly ſign no more Bills of Credit than what by this Act is directed.* And if it ſhall happen that any ſupernumerary Bills ſhall be left after the ſaid Number ſhall be delivered to the Treaſurer, in Manner aforeſaid, all ſuch ſupernumerary Bills ſhall be burnt and deſtroyed by the ſaid Signers, or the major Part of them, or by the Majority of the Survivors of them, in the Preſence of the Treaſurer of this Colony.

The Signers Oath.

XVIII. **And be it Enacted** *by the Authority aforeſaid*, That the Bills of Credit enacted and appointed by this Act to be current, ſhall be received by the Treaſurer of this Colony in all publick Payments, and for any Fund at any Time in the Treaſury, and by any Perſon within this Colony, in all Caſes whatſoever, during the Time they are enacted to continue, and be as effectually current as any other Bills of Credit made current in this Colony, by any Act of the Governor, Council and General Aſſembly.

Currency of the Bills.

XIX. **And be it Enacted** *by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever, ſhall counterfeit any of the Bills of Credit made current by this Act, or ſhall alter any of the ſaid Bills made current as aforeſaid, ſo that they ſhall appear to be of greater Value than by this Act the ſame Bill or Bills ſo altered were enacted, ſigned or numbered to paſs current for, or ſhall knowingly paſs, or give in Payment, any of the Bills aforeſaid ſo counterfeited or altered; every Perſon guilty of counterfeiting or altering any of the ſaid Bills, as aforeſaid, or of knowingly paſſing or giving in Payment any ſuch counterfeit or altered Bill, ſhall be guilty of Felony; and being thereof convicted, ſhall ſuffer the Pains of Death, without the Benefit of Clergy: And though ſuch counterfeiting, altering or knowingly paſſing counterfeit or altered Bills, ſhall be done out of this Colony; yet any Grand Jury within the City and County of *New-York*, is hereby impowered to preſent the ſame, and to ſet forth in the Indictment, the Place where, by their Evidence, it appeared that the Fact was committed; which Indictment is hereby declared good, notwithſtanding that the Place alledged be out of this Colony; and the Petty Juries on the Trials of all ſuch Iſſues, ſhall be returned from the Body of the City and County of *New-York*; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Penalty on counterfeiting the Bills &c.

XX.

28th GEORGE II A. D. 1755.

None of the Bills to be iſſued but as directed by Acts of Aſſembly.

XX. **And be it Enacted** *by the Authority aforeſaid*, That the Treaſurer of this Colony, ſhall be and hereby is required and directed, upon no Account whatſoever, to iſſue or give in Payment, any of the Bills of Credit made current by this Act, any otherwiſe than as hereby directed, or as ſhall be directed by Act or Acts hereafter to be paſſed for that Purpoſe.

Continuation of the Currency of the Bills.

XXI. **And be it further Enacted** *by the Authority aforeſaid*, That the Bills of Credit made, ſtruck and iſſued by Virtue of this Act, ſhall be and remain current, until the firſt Tueſday of *November*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty One.

Method of cancelling the Bills.

XXII. **And be it further Enacted** *by the Authority aforeſaid*, That as the Money to be raiſed, levied and collected by Virtue of this Act, ſhall be paid into the Treaſury, the Treaſurer of this Colony for the Time being, ſhall, and he is hereby directed and required, to uſe his utmoſt Endeavours to exchange the ſame for the Bills of Credit made current by this Act; which ſaid Bills ſo procured, ſhall be kept in the Treaſury ready to be cancelled in Manner as is directed in and by an Act, entitled, *An* Act *for the more effectual cancelling the Bills of Credit of this Colony*, paſſed in the Twenty-Firſt Year of his Majeſty's Reign.

CHAP. L.

Continued by Chap. 55. Repealed by Chap. 72.

An ACT *to reſtrain the ſending of Proviſions to* Cape-Breton, *or any other* French *Port or Settlement on the Continent of* North-America, *or Iſlands nigh or adjacent thereto.*

Paſs'd the 19th February, 1755.

CHAP. LI.

Continued by Chap 75, poſt.

An ACT *for regulating the Militia of the Colony of* New-York.

Paſs'd the 19th February, 1755.

WHEREAS a due and proper Regulation of the Militia of this Colony, tends not only to the Security and Defence thereof, but likewiſe to the Honour and Service of his Majeſty:

Perſons from 16 to 60 Years to inliſt.

Penalty 40s. for every 3 Months.

Diſputes about Age, how determin'd.

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame*, That every Perſon inhabiting this Colony, from ſixteen Years to the Age of ſixty Years, ſhall inliſt himſelf with the Captain or next commanding Officer, either of the Troop of Horſe, or the Company of Foot, in the City, Town, Borough, Manor or Precinct, where ſuch Perſon ſhall reſide or ſojourn, under Penalty of *Forty Shillings*, for every Three Months ſuch Perſon ſhall remain not inliſted: And all Captains of Troops of Horſe, and of Companies of Foot within this Colony, are commanded to take due Care to inliſt ſuch Perſons accordingly: And in caſe of any Diſpute, concerning the Age of any Perſon, the ſame ſhall be determined by the Officer before whom ſuch Diſpute ſhall happen, by the Oath of the Perſon whoſe Age is in Queſtion, or the Oath of his Parent, or ſome other credible Witneſs; which Oath the ſaid Officer is hereby impowered to adminiſter, and to determine accordingly.

II. And

28th GEORGE II. A. D. 1755.

II. **And be it Enacted** *by the Authority aforesaid*, That the Colonels or commanding Officers of all Regiments, Troops, or unregimented Companies, shall, at least once a Year, issue their Warrants to their inferior Officers, directing him or them, to make diligent Enquiry in their respective Districts, that all Persons be duly inlisted, armed and equipped; and to return to them the Names of the Defaulters, to the End they may be punished according to this Act. And the Colonel or other Officer neglecting his Duty herein, shall forfeit the Sum of *Five Pounds*, for every such Neglect or Omission.

Once a Year Enquiry to be made whether all are inlisted.

Penalty on the Colonel or other Officer 5 *l.*

III. **And be it further Enacted** *by the Authority aforesaid*, That once a Year at least, or oftener if Occasion requires, and Command be given by the Colonel, and in his Absence, by the next commanding Officer of the respective Regiments, the several Companies in each Regiment, and the Troops of Horse, and independent Companies of the several Cities and Counties, shall meet at such Place or Places therein as shall be appointed by the Colonel, or in his Absence, by the next commanding Officer, to be then and there mustered and exercised: And every Troop and Company shall be duly mustered and exercised by their respective Captains, or next commanding Officer, at least four Times in every Year, and so often as the Governor or Commander in Chief shall appoint.

Militia of each County to appear once a Year.

Every Company to be exercis'd four Times a Year at least.

IV. **And be it Enacted**, That every Soldier belonging to the Companies of Foot, shall appear and be provided with a well-fixed Musket or Fuzee, a good Sword, Belt, a Cartouch Box filled with nine Cartridges of Powder, and nine sizable Bullets, under the Penalty of *Five Shillings* for a Musket or Fuzee not well fixed, and *One Shilling* for the Want of every Sword, Belt, Cartouch Box, Cartridge, or Bullet; the whole Penalty for the Default of one Person for one Day, not to exceed *Twenty Shillings*; and the Sufficiency of the Musket or Fuzee, Sword, Belt, or Cartouch Box, to be judged of and determined by the Captain, or next commanding Officer. And every Foot Soldier or Trooper, shall, at his Habitation or Place of Abode, have one Pound of good Gun Powder, and three Pounds of sizable Bullets, upon Penalty of *Ten Shillings* for each Soldier. And if any Foot-Soldier or Trooper, shall refuse to shew his Captain, or the Officer or Person sent by him, all or any of the Equipage, Furniture or Ammunition herein mentioned, he shall be deemed to be unprovided therewith, and shall be fined accordingly.

How the Foot are to be equipp'd.

Penalty for Default in Musket 5 s. in every other Article 1 s.

Whole Penalty not to exceed 20s.

Every Soldier to have 1 lb. Gunpowder, and 3 lb. Bullet at his Habitation.

V. **Be it also Enacted**, That every Soldier belonging to the Horse, while on Duty, shall be provided with a good servicable Horse, not less than fourteen Hands high, with a good Saddle, Holsters, Housing, Breast-Plate, and Crupper; a Case of good Pistols, a good Sword or Hanger, Half a Pound of Gun-powder, and twelve sizable Bullets; a Pair of Boots with suitable Spurs, and a Carabine well fixed with a good Belt, Swivel and Bucket; under the Penalty of *Ten Shillings* for Want of a sizable Horse, and the Penalty of *Five Shillings* for the Want of each or either of the Articles of the Troopers Furniture. And the Troopers in the City and County of *New-York*, shall be cloathed with a blue Coat and Breeches, with yellow Metal Buttons, and a scarlet Waistcoat, and their Hats laced with Gold Lace. And the Troopers for the City and County of *Albany*, shall be cloathed with blue Coats, and their Hats shall be laced with Silver Lace, under the Penalty of *Five Shillings* for the Want of every Article of such Cloathing: The whole Penalty on a Trooper for the Defaults of one Day, not to exceed the Sum of *Forty Shillings*.

How the Horse are to be equipp'd.

For Default in Horse 10s.
Each Article of Furniture 5 s.

Cloathing of Troopers in New-York and Albany.

28th GEORGE II A. D. 1755.

VI. And be it further Enacted *by the Authority aforeſaid*, That the Colonel, or in his Abſence, the next commanding Officer of each reſpective Regiment, who ſhall fail to draw out and muſter the ſame together once in every Year, or when commanded ſo to do by the Governor or Commander in Chief for the Time being, ſhall forfeit for every Offence, the Sum of *Twenty Pounds*. And every Captain of a Troop or Company, who ſhall fail to appear as directed by this Act, or appearing, fail or neglect to exerciſe the Troop or Company under his Command; every ſuch Captain, for every ſuch Default or Neglect, ſhall forfeit the Sum of *Five Pounds*; and every Lieutenant, Cornet or Enſign, who ſhall not appear at ſuch Times, or appearing, ſhall not perform his Duty, ſhall forfeit and pay the Sum of *Three Pounds*.

Colonel not muſtering his Regiment once a Year, or when ordered, to forfeit 20 l.

Captains failing to appear or not exerciſing their Companies, to forfeit 5 l. Lieutenant, Cornet, or Enſign 3 l.

VII. And be it alſo Enacted, That if any Perſon inliſted to ſerve, either in Horſe or Foot, ſhall neglect to appear at ſuch Times as are by this Act directed; or, appearing under Arms, ſhall refuſe or neglect to perform ſuch military Duty as ſhall be required of him, or ſhall depart from his Colours or Guard, without Leave from the proper Officer, he ſhall forfeit the Sum of *Twenty Shillings*.

Perſons inliſted not appearing, or refuſing Duty, forfeit 20 s.

VIII. And to the End there may be a conſtant Supply of Troopers in each City and County within this Colony, where there are Troops of Horſe: Be it Enacted, That in Caſe of Deficiency in the Number of any Troop, and the ſame cannot be ſupplied by Voluntiers, the Captain, or in his Abſence, the next commanding Officer of ſuch Troop, ſhall, under his Hand, certify to the Colonel, or in his Abſence, to the next commanding Officer of the Regiment where ſuch Deficiency ſhall happen, how many Troopers are wanting in ſuch Troop; who ſhall thereupon nominate out of the ſaid Regiment the Number ſo wanting; Provided, The Perſon or Perſons ſo nominated be a Freeholder, and not under the Age of Twenty One Years, except in the City of *New-York*, where Perſons may be nominated though they are not Freeholders. And the Perſon or Perſons ſo nominated, ſhall, within the Space of Two Months thereafter, inliſt in ſuch Troop; or refuſing or neglecting ſo to do, ſhall reſpectively forfeit the Sum of *Ten Pounds*; on Payment whereof, ſuch Perſon ſhall not be liable to any further Forfeiture reſpecting the Troop; but ſhall, nevertheleſs, be ſubject to ſerve in the Foot, as if no ſuch Nomination had ever been made.

Where Troopers are wanting, how to be ſupply'd.

Perſons refuſing to ſerve in the Troop, forfeit 10 l.

IX. And be it Enacted *by the Authority aforeſaid*, That no Perſon or Perſons, being thereunto required by their Captain or next commanding Officer, ſhall refuſe or neglect to ſerve as Sergeant or Corporal in any Troop or Company, under the Penalty of *Forty Shillings*: And in Caſe any Sergeant or Corporal ſhall refuſe or neglect to warn the People to appear under Arms when required by his Captain or next commanding Officer, he ſhall for every ſuch Neglect or Refuſal, forfeit *Twenty Shillings*.

Penalty 40 s. for refuſing to ſerve as Serjeant or Corporal.

And refuſing to warn the Company 20 s.

X. Be it further Enacted, That all Captains of Troops of Horſe, and Companies of Foot, ſhall, at their own Charge, provide for their Troops and Companies reſpectively, Drums and Trumpets, Colours and Banners, and Drummers and Trumpeters, under the Penalty of *Six Pounds*. And for every Month ſuch Captain ſhall remain unprovided therewith, the Sum of *Three Pounds*: And all Drummers and Trumpeters in Service, ſhall ſerve for the annual Salary of *Forty Shillings*, finding their own Trumpet or Drum; and *Twenty Shillings* if the Captain do provide the Trumpet or Drum: And each Drummer or Trumpeter refuſing to ſerve as ſuch, ſhall forfeit *Forty Shillings*.

Captains to provide Colours, Drums, &c. for their Companies. Penalty 6 l.

Perſons Refuſing to ſerve as Drummer, &c. Penalty 40 s.

XI. And

28th GEORGE II. A. D. 1755.

XI. **And be it alſo Enacted** *by the Authority aforeſaid*, That once every Year, the Captains, or in their Abſence, the next commanding Officer of every Troop or Company, whether regimented or independent, ſhall deliver to the Colonel, or in his Abſence, to the next commanding Officer of the Regiment, for the City or County where ſuch Troops or Companies are or may be, a true and complete Roll, under his or their Hands, containing the Names of all the Perſons belonging to, and inliſted in their reſpective Troops or Companies, under the Penalty of *Five Pounds*, for every Neglect or Omiſſion. And the ſaid Colonels, or the next commanding Officer of the reſpective Regiment, ſhall, within one Month after the Receipt of every ſuch Roll, deliver or ſend the ſame (keeping a Copy of every ſuch Roll) to the Commander in Chief for the Time being, under the like Penalty.

Captains to deliver Rolls of their Companies once a Year to the Colonel,

On Penalty of 5l.

XII. **Be it Enacted**, That no Commiſſion Officer, either of Companies of Foot or Troops of Horſe, whether regimented or unregimented, or any Trooper of the Cities of *New-York* or *Albany*, ſhall be ſubject or liable to ſerve in the Office of Conſtable, if choſen while he is ſuch; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

No Commiſſion Officer, or any Trooper in *New-York* or *Albany*, liable to ſerve as Conſtable.

XIII. AND to the End Articles of War may be eſtabliſhed within this Colony: **Be it further Enacted**, That the Field-Officers of the ſeveral Regiments ſhall be ſummoned to meet for that Purpoſe, at the Time and Place to be expreſſed in ſuch Summons. And if at any Meeting or Meetings in Conſequence thereof, there ſhall be one Field-Officer at the leaſt from each reſpective Regiment in this Colony; ſuch Articles as the Governor or Commander in Chief ſhall eſtabliſh, with the Conſent of a Majority of the Field Officers ſo met; ſhall, by Virtue of this Act, have full Force and Effect for the Puniſhment of all Offenders againſt the ſaid Articles, or any Thing therein contained. **Provided**, ſuch Puniſhment be by Fine or Impriſonment only, or both. And every Field-Officer ſo ſummoned, who ſhall, without reaſonable Cauſe, neglect or refuſe to appear accordingly, ſhall forfeit the Sum of *Twenty Pounds*; and all Officers and Soldiers of the Militia, Horſe or Foot, within this Colony, during ſuch Time as they or any of them are under Arms, in the Field, or upon Watch and Ward, or other Duty, ſhall, and each and every of them ſhall, obſerve and keep all and every the Articles of War ſo eſtabliſhed, and ſhall pay due Obedience to his or their ſuperior Officer or Officers, and all his or their lawful Commands: Which Articles of War when ſo eſtabliſhed, ſhall be printed by the publick Printer: And the reſpectve Captains ſhall provide themſelves with Copies thereof, and cauſe them to be publickly read to their reſpective Companies while under Arms, at leaſt four Times in every Year; to the End all Perſons ſo inliſted, may the better know and underſtand their ſeveral Duties: And if any Officer or Soldier, ſhall at any Time whatſoever, whether under Arms, upon Duty, or otherwiſe, maliciouſly abuſe, affront or take Revenge, or endeavour by Force to take Revenge, for any Matter or Thing by his or their ſuperior Officer lawfully done, in Purſuance of his or their Duty, or of any Thing contained in this Act, the ſaid Officer or Soldier ſhall be brought before a Court-Martial, and ſhall be tried for the ſame, according to the true Intent and Meaning of ſuch Articles of War.

Field-Officers to meet to eſtabliſh Articles of War.

Such Articles enforced.

Puniſhment by ſuch Articles to be by Fine and Impriſonment.

Penalty on Field Officers, for not appearing to eſtabliſh Articles, 20l.

Articles of War to be printed and read to the ſeveral Companies four Times a Year.

Perſons taking Revenge for any Thing done in Purſuance of this Act, to be tried by a Court Martial.

XIV. **And be it alſo Enacted** *by the Authority aforeſaid*, That there ſhall be Beacons forthwith erected at the following Places, *that is to ſay*, One on the weſtern Part of *Rockway*; One other at the *Narrows*, on the Iſland *Naſſau*; One other at the Point oppoſite thereto, on *Staten-Iſland*, and one other upon Mr.

Beacons to be erected at certain Places.

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Mr. *Kennedy*'s Iſland; each of which Beacons ſhall be made of twelve or a greater Number of Poles ſet in the Ground, at proper Diſtances aſunder, and a Pitch-Barrel on each Pole; and the reſpective Perſons living neareſt to the ſame, ſhall, upon ſeeing the Beacon which may be erected near *Sandy-Hook*, or other Place, on fire; or upon the Appearance of Six or a greater Number of large Ships, which from proper Glaſſes they may judge to be Ships of War, ſet Fire to a like Number of ſuch Pitch-Barrels; and at every of the ſaid Places, where Beacons are appointed to be erected, there ſhall be lodged a Cannon or Great-Gun, with a ſufficient Quantity of Gun-powder; and immediately after the ſaid Beacons ſhall be ſo ſet on fire, ſuch Gun ſhall be diſcharged from each Beacon, once for every large Ship that appears in Sight. And at all Times when the Governor or Commander in Chief ſhall order and appoint a Guard to be kept at the ſaid Beacons, any or either of them, (except the Beacon upon Mr. *Kennedy*'s Iſland) the reſpective Colonels, or in their Abſence, the next commanding Officer of the Regiments in the Counties where ſuch Beacons are erected, ſhall cauſe ſuch a Guard or Watch to be kept, and by ſuch Detachments of Men from their reſpective Regiments as ſhall be ſo ordered and appointed. And the Perſons duly warned for that Purpoſe, and not appearing, or not performing that Service, or ſending a ſufficient Perſon in their Room, ſhall ſeverally forfeit the Sum of *Forty Shillings*. And the Colonel, or next commanding Officer, neglecting his Duty herein, ſhall be ſubject to the Penalty of *Fifty Pounds*. And every of the Perſons who ſhall have the Charge and Care of ſuch Beacons at the Time of ſuch Watching and Guard as aforeſaid; and ſhall neglect, in the Caſes before-mentioned, to fire the ſame, and to diſcharge the Great-Gun in Manner aforeſaid, ſhall forfeit *Twenty Pounds*. And the Charge of erecting the ſaid Beacons, and of ſuch other Beacons as the Governor or Commander in Chief, with the Advice of his Majeſty's Council, ſhall direct and order to be erected at any other Place or Places within this Colony, for the ſpreading an Alarm through the ſame, and to the neighbouring Colonies of *New-Jerſey* and *Connecticut*, and the Expence of carrying and tranſporting Cannon to ſuch Places, and of the Gun-powder to be lodged there, ſhall be borne and defrayed by the Publick, and paid from Time to Time, on Warrants drawn by the Governor or Commander in Chief, with the Advice and Conſent of the Council, on the Treaſurer of this Colony, who is hereby required and directed forthwith to diſcharge the ſame, out of any Money in the Treaſury appropriated for contingent Services.

To be fired on the Appearance of ſix Ships.

A great Gun to be lodged at every Beacon, and fired once for every ſuch Ship.

Guard to be kept at the Beacons when appointed.

Perſons refuſing to ſerve on ſuch Guard to forfeit 40 s.

And the Colonel neglecting his Duty to forfeit 50 l.

Penalty 20 l. for neglect to ſet fire to the Beacons.

How the Charge of Beacons is to be defrayed.

XV. **And be it further Enacted** *by the Authority aforeſaid*, That in Caſe of an Alarm, every Soldier upon Notice thereof, is immediately to repair armed to his Colours or Parade, on Penalty of *Twenty Five Pounds*; which Parade ſhall be underſtood to be the Habitation of his Captain, unleſs it ſhall be otherwiſe ordered and appointed. And for the Prevention of falſe Alarms, no Captain, Maſter or Commander, of any Ship or Veſſel riding at Anchor in any of the Rivers, Harbours, or Bays of this Colony, or any other Perſon, ſhall fire any Great Gun after Eight of the Clock at Night, under Penalty of *Forty Shillings*, for every ſuch Gun ſo fired; to be levied by Warrant from the chief Officer of the Regiment next adjoining, not under the Degree of a Captain, who is hereby impowered to have Juriſdiction thereof, and to adminiſter an Oath, and give Judgment thereupon, and to direct Diſtreſs and Sale of the Offender's Goods; and for Want of ſuch Diſtreſs, the ſaid chief Officer is impowered to commit ſuch Offender to Gaol, there to remain until Payment be made of the ſame. And the Captain, Commander, or Maſter, of any Veſſel, from whence ſuch Gun or Guns ſhall be fired, ſhall be deemed and underſtood to be the Offender in this Reſpect: And in Caſe the chief

Soldiers on Alarm to repair to their Colours.

Penalty 25 l.

No Perſon to fire a great Gun after Eight o'Clock at Night.

Penalty 40 s.

How to be recovered.

chief Officer of the Regiment, or Captain aforesaid, shall not perform his Duty therein, he shall forfeit *Three Pounds*, to be levied by Warrant from the Governor or Commander in Chief for the Time being.

XVI. **And be it Enacted** *by the Authority aforesaid*, That in Case of any Alarm, Invasion, Insurrection, or Rebellion, every Officer of the Militia shall have full Power and Authority by Virtue of this Act, and is hereby required forthwith, to raise the Militia or Company under his Command, and to send immediate Intelligence to the commanding Officers of the Regiment to which he belongs; who also are hereby required and commanded, to send forwards the Intelligence forthwith to the commanding Officers of the next adjacent Counties, informing him and them at the same Time, in what Manner he intends to proceed; and shall, in the mean Time, keep the Militia under his Command under Arms, until he receives Orders from his superior Officer: And every commanding Officer in every County, upon any Alarm, or receiving intelligence of any Insurrection, Invasion or Rebellion, shall forthwith dispatch an Express to the Governor or Commander in Chief for the Time being, notifying the Danger, and shall therewith signify the Strength and Motions of the Enemy: And the said commanding Officer hath hereby full Power to impress Boats and Hands, Men and Horses, as the Service may require; and shall draw together the Militia of his County, and march them to such Place or Places as he shall judge most convenient for opposing the Enemy, and to such Place or Places as shall be directed by the Governor or Commander in Chief for the Time being. And every Field-Officer that shall neglect or refuse to perform his Duty hereby required, shall forfeit the Sum of *Five Hundred Pounds*; and every Captain or other commissioned Officer, for his Neglect or Refusal therein, shall forfeit the Sum of *Three Hundred Pounds*; and every Non-commissioned Officer or private Man, for his Neglect or Refusal of such Duty, shall forfeit the Sum of *One Hundred Pounds*; and every commissioned Officer, besides paying such Forfeiture, shall be degraded, and rendered incapable thereafter of holding or exercising any Office, civil or military, within this Colony.

In Case of Alarm or Invasion, Officers to raise the Militia, and send Notice to the Officer commanding the Regiment.

Who is to dispatch an Express to the Commander in Chief.

Power to the commanding Officer to impress Boats, Horses, &c.

And to march the Militia of his County where necessary to oppose the Enemy, or directed by the Commander in Chief.

Penalty on Field-officers 500l. Captains and other commission'd Officers 300l. Non commission'd Officers, and private Men, 100l. And commission'd Officers to be degraded and rendered incapable of holding any Office.

XVII. AND whereas the County of *Suffolk* is so situated, that a Descent may be made on the Eastern Part thereof by Water; and the said County being extensive, the remote Parts which are most exposed, are generally at a great Distance from the Colonel or commanding Officer of the Regiment; and, consequently, the waiting for Orders from the said commanding Officer, may greatly expose such remote Places to the Ravages of small Parties of the Enemy; **Be it therefore Enacted**, That the Captains, or next commanding Officer of the several and respective Companies within the said County, nearest to any Place where such Descent may happen to be made, shall immediately call together his or their Company or Companies, and forthwith march them towards, and use their utmost Endeavours to repel and drive off the Enemy; and on the first Notice of such Descent, shall dispatch an Express to the commanding Officer of the Regiment of the said County, with Intelligence thereof, and of the Number and Motions of the Enemy, according to the best Information he or they shall have obtained; any Thing herein before contained to the contrary notwithstanding.

Captains of the Companies in *Suffolk* may march against an Enemy without waiting for Orders from the Colonel.

XVIII. **And be it also Enacted** *by the Authority aforesaid*, That if any Naval Force should make any Attempt upon the City of *New-York*, and there should not be a sufficient Quantity of Gun-Powder belonging to the Government for the Use and Defence of the same, there shall be immediately impressed by the Commander in Chief for the Time being, or by the Field Officers

Gun-powder to be impressed if wanted for the Defence of the City of *New-York*.

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ficers of the Regiment of the City of *New-York* for the Time being, ſo much Gun-Powder as upon ſuch an Event may be requiſite and neceſſary to make a vigorous Defence; and ſuch Part thereof, as upon ſuch an Emergency ſhall be expended, the General Aſſembly ſhall and will provide Ways and Means fully to pay for the ſame, at the then current Price.

Negroes to be employed at the Artillery in caſe of an Invaſion.

XIX. **And be it further Enacted** *by the Authority aforeſaid*, That in Caſe of an Alarm or actual Invaſion in the Cities of *New-York* or *Albany*, or in the Townſhip of *Schenectady*, the Colonel or next commanding Officer of the reſpective Regiments there, may and ſhall order and direct each and every Inhabitant of the ſaid Cities or Townſhip, being Maſter or Owner of any able Man-Slave, whether Negro, Indian, or Mulatto, to deliver up to the Officer appointed, or to the Place directed for the Rendezvous, every ſuch Slave, to be employed at the Artillery of the ſeveral Fortifications in the ſaid Cities or Townſhip reſpectively, under the Direction of the proper Officer or Officers, or in any ſuch Manner as ſhall be directed by the Governor or Commander in Chief for the Time being. And in Caſe any Inhabitant ſhall neglect or refuſe to deliver up or ſend any ſuch Slave in Manner as aforeſaid, he, ſhe or they ſhall forfeit and Pay the Sum of *Forty Pounds* current Money of this Colony: And if any ſuch Slave or Slaves ſhall be killed or diſabled in ſuch Service, the Value of the ſaid Slave or Slaves ſhall be aſcertained by Six Freeholders of the ſaid Cities reſpectively; and the Mayors Courts of the ſaid Cities reſpectively, are hereby authorized and impowered to nominate and appoint ſuch Six Freeholders, and to adminiſter an Oath to each and every of them, well and truly to aſcertain the Value of ſuch Slave or Slaves, to the beſt of their Judgment. And the Sum or Sums at which ſuch Slave or Slaves ſhall be ſo valued, ſhall be paid to the Owner or Owners thereof, out of ſuch Money as ſhall be hereafter raiſed by Act or Acts to be paſſed for that Purpoſe. And if it ſhould be found neceſſary to order any ſuch Slave or Slaves from other Parts of this Colony for the Defence of the ſaid Cities, or the Townſhip of *Schenectady*, in Caſe of Alarm or Invaſion; the Governor or Commander in Chief, may direct ſuch a Number of them, and from ſuch Place or Places, as he ſhall think requiſite for ſuch Service. And if any Perſon, Owner of ſuch Slave, ſhall refuſe to deliver him to the Officer appointed, ſuch Perſon ſhall forfeit the Sum of *Forty Pounds*. And in Caſe any ſuch Slave ſo employed, ſhall be killed or diſabled, the Value of ſuch Slave ſhall be aſcertained, and the Owner thereof paid in the like Manner as above in this Clauſe is directed.

Owners detaining their Negroes at ſuch times, to forfeit 40 l.

Slaves killed or diſabled to be valued, and the Owners paid accordingly.

All Perſons to deliver Liſts of their Slaves to the Captain of the Diſtrict they reſide in.

XX. **And be it further Enacted** *by the Authority aforeſaid*, That within two Months after the Publication of this Act, every Maſter or Miſtreſs of every Indian, Negro, Mulatto, or other Slave, above the Age of Fourteen Years, within this Colony, ſhall deliver to the Captain of the Company in the reſpective Diſtricts wherein they reſide, a true Liſt of all ſuch Slaves in their Poſſeſſion, both Male and Female, under the Penalty of *Forty Shillings*. From all which Liſts, ſuch Captain ſhall make a Liſt of the whole Number of Slaves ſo reported to him, diſtinguiſhing therein the Sex and Number belonging to every Perſon by Name, and ſhall tranſmit the ſame under his Hand, as ſoon as may be, to the Governor or Commander in Chief, under the Penalty of *Five Pounds*. And in caſe of any Alarm or Invaſion, the Captain or other Officer, commanding the Company in each reſpective Diſtrict, ſhall (unleſs it is otherwiſe provided, by Order from the Governor or Commander in Chief) appoint and leave ſuch proper Detachment of his Company as he ſhall judge neceſſary, to guard againſt an Inſurrection of the Negroes; always obſerving to appoint for the ſaid Detachment, ſuch Perſons who may be beſt ſpared from the Company.

To be reported to the Commander in Chief.

In caſe of Invaſion Captains to leave Detachments to guard againſt Inſurrections of the Negroes.

XXI.

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XXI. **And be it alſo Enacted** *by the ſame Authority*, That if one or more Negro, Indian, or Mulatto Slave or Slaves, above the Age of Fourteen Years, within this Colony, ſhall, in the Time of Alarm or Invaſion, be found at the Diſtance of one Mile or more, from the Habitation or Plantation of their reſpective Owners, without a Certificate from their reſpective Owners, ſignifying the Errand or Buſineſs they are ſent upon, it ſhall be adjudged Felony without Benefit of Clergy in ſuch Slave or Slaves; and it ſhall and may be lawful for the Perſon or Perſons finding ſuch Slave or Slaves, at or beyond the ſaid Diſtance or Limits, to ſhoot or otherwiſe deſtroy ſuch Slave or Slaves, without being impeached, cenſured or proſecuted for the ſame; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Slaves found in time of Invaſion a Mile from their Maſters Habitation, may be ſhot or deſtroyed with Impunity.

XXII. **And be it further Enacted** *by the Authority aforeſaid*, That if any Perſon be wounded or diſabled upon any Invaſion, or in any other military Service, he ſhall be taken Care of, and provided for by the Publick, during the Time of ſuch Diſability.

Perſons diſabled on Invaſion to be provided for by the Publick.

XXIII. **Be it further Enacted**, That all Phyſicians, Surgeons and Apothecaries, reſident within the Cities of *New-York* and *Albany*, in caſe of Invaſion and Attack by the Enemy, ſhall reſpectively attend each reſpective Troop and Company of the Militia (as Occaſion may require) with Medicines and Utenſils, on ſuch Poſts as ſhall be aſſigned by the Governor or Commander in Chief for the Time being, to take Care of the Sick and Wounded: And for their Care and Medicines adminiſtred to poor Men and Servants, wounded or ſick in the Service, they ſhall be paid and rewarded out of the publick Treaſury of this Colony: And in Caſe any Phyſician, Surgeon or Apothecary, Reſident as aforeſaid, ſhall wilfully neglect their Attendance upon any ſuch Occaſion, the Perſon or Perſons ſo neglecting, ſhall forfeit the Sum of *One Hundred Pounds*.

Phyſicians, Surgeons, &c. in time of Invaſion to attend with Medicines, &c.

Penalty 100l.

XXIV. **Be it alſo Enacted** *by the Authority aforeſaid*, That in Caſe of a general Alarm or Invaſion, all unregimented or independent Companies and Troops, ſhall, in the Abſence of the Governor or Commander in Chief, be under the immediate Command and Direction of the Colonel, and in his Abſence, the next Field-Officer of the Regiment of the City or County where ſuch unregimented or independent Companies or Troops are or may be; any Thing herein to the contrary thereof notwithſtanding.

On Alarm or Invaſion Independent Companies to be under the command of the Colonel.

XXV. **And be it Enacted** *by the ſame Authority*, That in Caſe of an Alarm or Invaſion, every Perſon able to bear Arms that ſhall leave the City or County invaded, or apparently in Danger of being invaded, without the Order of the commanding Officer for the Time being, or ſhall refuſe to obey the juſt and legal Orders of his proper Officer, ſhall ſuffer the Pains of Death, by being ſhot at the Head of the Company to which he belongs; and if he be an Officer, he ſhall be ſhot at the Head of the Regiment, being firſt duly convicted by a Court-Martial.

Perſons leaving a Place invaded, to ſuffer Death.

XXVI. AND whereas upon certain Emergencies, it may be neceſſary to keep military Watch and Ward in ſome Part or Parts of this Colony; **Be it therefore Enacted** *by the ſame Authority*, That as often as the Governor or Commander in Chief, by Order under his Hand, iſſued by the Advice and Conſent of the Council, ſhall order and appoint ſuch military Watch to be kept in any of the Cities or Counties within this Colony; all Perſons able to bear Arms, living within the Places or Diſtricts where the ſaid military Watch

Military Watch and Ward to be kept on Emergency when directed by the Commander in Chief.

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Penalty 12s. for refuſing to ſerve on ſuch Watch.

Officers refuſing to forfeit 40s.

In the Abſence of the Commander in Chief, the commanding Officer of the Regiment may appoint Military Watch.

Watch is to be kept (except the Perſons hereafter excepted) ſhall, in their Turns, upon due Warning, be obliged to ſerve upon ſuch military Watch, or put a ſufficient and well-armed Man in their Room, under the Penalty of *Twelve Shillings*, for every Default or Neglect. And commiſſioned Officers in their Turns, ſhall always be obliged to mount ſuch Guard in Perſon, under the Penalty of *Forty Shillings* for every Neglect: But Captains ſhall not be compelled to ſerve in ſuch military Watch, unleſs the ſame conſiſts of a Captain's proper Command. And upon all ſudden Emergencies, in the Abſence of the Commander in Chief, the Colonel, or in his Abſence, the next commanding Officer of the Regiment of the County in which ſuch Emergencies may ariſe, is hereby authoriſed and impowered to appoint ſuch military Watch to be kept, in the City, Town, or Place he ſhall judge it to be neceſſary, ſending immediate Notice thereof to the Governor or Commander in Chief, to the End the ſame may be continued or not, as ſhall be thought expedient. And Defaulters in this Caſe, ſhall be liable to the ſame Penalty as where ſuch military Watch is eſtabliſhed by Order of the Governor or Commander in Chief, as aforeſaid.

Regulation of the Military Watch.

XXVII. **And be it further Enacted** *by the ſame Authority*, That every military Watch or Guard, ſhall poſt Centries in ſuch Places as the Officer of the Guard thinks proper; and every Centry that ſhall leave his Poſt, or fall aſleep where he is poſted, ſhall be liable to ſuch Puniſhment as ſhall be inflicted by a Court-Martial: And every Centry upon the Approach of any Perſon or Perſons, ſhall challenge him or them three Times diſtinctly; and if they make no Anſwer the firſt, ſecond, or third Time, he ſhall fire upon him or them. And if it ſhould ſo happen, that he ſhould kill or wound the Perſon or Perſons ſo challenged, every Centry ſo wounding or killing any Perſon or Perſons as aforeſaid, ſhall not be liable to any Puniſhment; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

The Act for eſtabliſhing Military Watch in *Albany*, continued and revived.

XXVIII. And for the greater Security of the Inhabitants of the City and County of *Albany*, againſt a Surpriſe by an Enemy; **Be it Enacted** *by the Authority aforeſaid*, That one Act of the Legiſlature of this Colony, entitled *An* Act, *for the eſtabliſhing a military Watch for the City and County of* Albany, paſſed and publiſhed the third Day of *May*, One Thouſand Seven Hundred and Forty Six; and one other Act, entitled *An* Act, *to continue an Act, entitled An Act, for the eſtabliſhing a military Watch for the City and County of* Albany, *with Additions thereto*; paſſed and publiſhed the ſixth Day of *December*, One Thouſand Seven Hundred and Forty Six, ſhall be, and hereby are revived; and every Clauſe, Article and Thing in the ſaid two Acts contained, are hereby re-enacted; and ſhall continue and remain in full Force, to all Intents, Conſtructions and Purpoſes whatſoever, during the Continuance of this Act; any Thing herein before contained to the contrary thereof notwithſtanding.

Officers in *N. York*, *Albany* and *Schenectady* to wear their Swords on Sundays.
Penalty, 20s.
How recovered and applied.

XXIX. **And be it Enacted**, That all Commiſſion Officers in the Militia of this Colony, dwelling either in the Cities of *New-York* or *Albany*, or in the Townſhip of *Schenectady*, ſhall wear their Swords every Sunday during Divine Service, under the Penalty of *Twenty Shillings* for every ſuch Neglect, to be recovered before the Mayor, Recorder, or any one of the Aldermen of the ſaid Cities, or any one Juſtice of the Peace in the ſaid Townſhip reſpectively; to be applied one Half thereof to the Perſon or Perſons who ſhall ſue for the ſame, and the other Half to the Uſe of the Poor of the ſaid Cities and Townſhip reſpectively.

XXX.

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XXX. AND whereas by former Acts for regulating the Militia of this Colony, all Justices of the Peace, Coroners, and all other Officers of Courts, and School-masters, have been exempted and freed from inlisting in any Troop or Company; which Exemption is thought very unreasonable: **Be it therefore Enacted**, That all Persons bearing or exercising such Offices or Imployments as aforesaid, and all others heretofore exempted from military Duty, who reside in the Cities of *New-York* and *Albany*, Township of *Schenectady*, and *Kings* County, shall immediately after the Publication of this Act, be formed into one or more Company or Companies, in such Manner as the Governor or Commander in Chief for the Time being shall think convenient; and shall appear in all Cases of Invasion, Alarm, or military Watch, at every general Review or Muster of the Regiment, and so often at other Times, as the Governor or Commander in Chief shall order and appoint: And on such Occasions, shall be subject to the like Regulations, Pains, Penalties, Fines and Forfeitures, as other Companies of Foot within this Colony are subject and liable to. And until such Persons are formed into separate Companies, they shall be, and are hereby obliged to inlist in some Company of Foot in the said City, but shall be subject only to such Duty, as if actually so formed into Companies; any Thing in this Act, or any other Act or Ordinance whatsoever to the contrary notwithstanding.

Persons heretofore exempted in *New-York*, *Albany*, *Schenectady* and *King's* County, to be formed into Companies.

The Duty of such Persons.

XXXI. **And be it further Enacted** *by the same Authority*, That all Persons heretofore exempted as aforesaid, who dwell in other Parts of this Colony, shall be either formed into such Companies as aforesaid, or inlist in the several Companies in the Districts where they respectively reside; and shall be liable in all Cases of Alarm or Invasion, to the like Duty that other Persons are subject to by this Act; and at other Times, shall only be liable to such military Duty as the Governor or Commander in Chief for the Time being, shall direct; under the several Pains, Penalties, Fines and Forfeitures laid in this Act, on others in the like Cases offending.

Regulations as to other Persons formerly exempted.

XXXII. **Be it Enacted** *by the Authority aforesaid*, That no Officer of the Militia of this Colony, shall surrender or resign his Commission, unless he is superceded in his Rank, or hath served in that Rank Fifteen Years at the least: In either of which Cases such Person may resign his Commission, but shall nevertheless be subject to the like Service and Penalties, as Persons heretofore exempted from inlisting in the Militia, are liable to by this Act. And all Commissions granted to Persons which do not confine them to any particular Corps, or to some Corps in the City or County where such Persons reside, shall be and are hereby declared null and void; any Law, Ordinance, Commission, Usage or Custom to the contrary notwithstanding.

Officers not to resign their Commissions unless they are superseded in Rank, or have served 15 Years in the same Rank.

In which Case they are to do Duty as Persons heretofore exempted.

Commissions not confined to any particular Corps, &c. void.

Provided always, That all Doctors of Physick, Practitioners in Physick, and Surgeons, shall not be obliged to inlist in any Troop or Company, or to do any military Duty whatsoever; but (as those who reside in the Cities of *New-York* or *Albany*) shall be subject to such Duty in Time of Invasion, as is before directed in this Act. **Provided also**, That Persons employed in Furnaces for making of Iron, two Ferrymen to every publick Ferry, two Men to every Pilot-Boat, one Miller to each Grist-Mill-House, and Keepers of publick Gaols, shall be, and are hereby declared, free and exempt from all military Duty whatsoever, except in Time of actual Invasion: And nothing in this Act shall extend or be construed to lessen or abridge the several Liberties and Exemptions which are allowed and granted to the Firemen of the City of *New-York*, in and by an Act, entitled *An* Act, *for the better extinguishing Fires which may happen in the City of* New-York; passed in the Eleventh Year of his Majesty's Reign.

Doctors of Physick, Surgeons, &c. not obliged to inlist, but to do Duty on Invasion.

Other Persons exempted.

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How Fines arising by this Act ſhall be recovered and applied.

XXXIII. **Be it Enacted** *by the Authority aforeſaid*, That in Caſe the ſeveral Fines, Penalties and Forfeitures in this Act mentioned, that do not exceed the Sum of *Twenty Shillings*, ſhall not be paid on Demand, the ſame ſhall be levied, recovered and diſpoſed of as followeth, *that is to ſay*; That all ſuch Forfeitures as do relate to any Perſon under the Degree of a Captain, ſhall be judged and taken by the reſpective Captains, to defray the Charges of their Troops and Companies, and be levied before the next exerciſing Day, by Diſtreſs and Sale of the Offender's Goods, by Warrant from the Captain or next commanding Officer, directed to the Sergeant or Corporal of the Company wherein the ſaid Offence was committed: But if the Offender be a Servant, or under his Parents Care; then and in ſuch Caſe, the Maſters or Parents Goods ſhall be liable to ſuch Diſtreſs and Sale as aforeſaid, till Satisfaction be made. And if any Sergeant or Corporal ſhall refuſe to execute ſuch Warrant ſo to him directed, ſuch Sergeant or Corporal ſhall, for every ſuch Offence, forfeit for the Uſes above-mentioned, the Sum of *Forty Shillings*; to be levied in Manner before expreſſed, by ſuch other Sergeant or Corporal as ſuch Warrant ſhall be directed to: And all other Penalties and Forfeitures in this Act mentioned, which relate to any Perſon under the Degree of a Colonel, or that are not otherwiſe applied in this Act, ſhall be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant from the Colonel or the next Field-Officer, where ſuch Offenders are; and all ſuch Penalties and Forfeitures as do relate to a Colonel, the ſame ſhall be levied by Diſtreſs and Sale of the Offender's Goods, by Warrant from the Governor or Commander in Chief for the Time being; which Forfeiture ſhall be applied towards purchaſing Arms for the Uſe and Benefit of the Regiment in the Cities or Counties where the Offence is committed. And the Sergeants or Corporals of the Regiment are to reſerve to themſelves, out of ſuch Diſtreſs, over and above the Fine or Forfeiture, the Sum of *Three Shillings*, for executing each Warrant from their Captain or other ſuperior Officer: Which Warrant, and the Execution thereof, by the Perſon to whom directed, ſhall be good in Law, and of full Force and Virtue, to and for the Purpoſes in this Act mentioned.

Maſters and Parents Goods liable to the Fines of their Servants and Children under their Care.

Penalty on Sergeants refuſing to ſerve Warrants to levy Fines.

Fee for executing Warrants.

Officers not levying Fines to forfeit 5 l.

XXXIV. **And be it Enacted**, That if any Colonel or other Officer, whoſe Duty it ſhall or may be to iſſue ſuch Warrants as aforeſaid, for levying any Fine or Forfeiture impoſed and laid by this Act, and who ſhall refuſe or neglect to iſſue ſuch Warrants, and cauſe ſuch Fines or Forfeitures to be levied upon the Defaulter or Defaulters; ſuch Colonel or other Officer, ſhall forfeit for every ſuch Neglect or Refuſal, the Sum of *Five Pounds*, to be recovered and applied as aforeſaid.

If no Goods be found to levy fines upon, the Offenders to be committed to Gaol.

XXXV. **And be it further Enacted** *by the ſame Authority*, That in Caſe no Goods be found, on which to levy the Diſtreſs, for the ſeveral Fines and Forfeitures by this Act incurred, the Perſon offending ſhall be committed to the County Goal; and the Sheriff of the City or County where the Forfeiture is incurred, is hereby impowered and required, to receive the Body of all ſuch Delinquents as ſhall be brought to him, by Virtue of any Warrant or Warrants iſſued purſuant to the Directions of this Act; and him or them to keep in ſafe Cuſtody, until ſuch Fines and Fees mentioned in ſuch Warrant are paid. And it is hereby declared, That ſuch Sheriff ſhall in all ſuch Caſes, be intitled to the ſame Fees as are allowed in all other Caſes.

In what Manner Courts-Martial ſhall be conſtituted.

XXXVI. **Be it alſo Enacted** *by the Authority aforeſaid*, That when ever it ſhall be found neceſſary to conſtitute and appoint a Court-Martial, in any of the Regiments of this Colony, the Colonel ſhall return himſelf, and the next commanding Officer of the Regiment, and Twenty-four other commiſſioned

ſioned Officers of his Regiment, to the Governor or Commander in Chief for the Time being; who ſhall commiſſionate under the Great Seal of this Colony, Thirteen out of the ſaid Twenty-ſix, to be a Court-Martial, of whom a Field-Officer ſhall always be one; which Field-Officer ſhall be Preſident of the Court: And ſuch Court-Martial, ſhall have Power and Authority to adminiſter an Oath to any Witneſs, in Order to the Examination or Trial of any of the Offences that ſhall come before the ſaid Court. **Provided always**, That in all Trials by a Court-Martial, by Virtue of this Act, every Officer preſent at ſuch Trial, before any Proceedings be had thereupon, ſhall take an Oath upon the Holy Evangeliſts, before one of the Judges of the Supreme Court, or one of the Judges of the Inferior Courts of Common Pleas, in the ſeveral Counties where ſuch Courts-Martial are held, who are hereby authorized to adminiſter the ſame, in theſe Words, *that is to ſay,*

The Power of ſuch Courts.

I A. B. *do ſwear, That I will duly adminiſter Juſtice according to Evidence, and to the Direction of an Act, entitled,* An *Act* for the regulating the Militia of the Colony of *New-York, without Partiality, Favour or Affection; and that I will not divulge the Sentence of the Court until it ſhall be approved by the Governor or Commander in Chief for the Time being; neither will I upon any Account at any Time whatſoever, diſcloſe or diſcover the Vote or Opinion of any particular Member of the Court-Martial. So help me God.*

The Oath to be taken by Officers who are of the Court-Martial.

AND no Sentence of Death or other Sentence, ſhall be given againſt any Offender, but by the Concurrence of the major Part of the Officers ſo ſworn, which major Part ſhall not be leſs than Nine; and no Sentence againſt any Delinquent ſhall be put in Execution, until Report be made of the whole Proceedings to the Governor or Commander in Chief for the Time being, and his Directions ſignified thereupon.

No Sentence to be given but by a Majority of nine, or put in Execution until the Proceedings be reported to the Commander in Chief.

XXXVII. WHEREAS there are in this Colony many of the People called *Quakers*, who from religious or conſcientious Scruples, are averſe to the bearing of Arms, or Military Service; **Be it therefore Enacted** *by the Authority aforeſaid*, That no Perſon, being of the People called *Quakers*, ſhall be liable to any other or greater Fine, during the Continuance of this Act, than the Sum of *Twenty Shillings*, for not inliſting, or refuſing or neglecting to do Duty in the Militia of this Colony; which Fine ſhall be levied in three Months after the Publication of this Act. But if any ſuch Perſon being duly warned, ſhall refuſe or neglect to ſerve on any Military Watch, appointed by Virtue of this Act, or to ſend a ſufficient and well armed Man in his Place, he ſhall forfeit for every ſuch Offence the Sum of *Ten Shillings*.

The People called *Quakers*, ſubject only to a Fine of 20 s. for not inliſting, &c.

But to ſerve, or ſend others on military Watch, on Penalty of 10 s.

XXXVIII. AND whereas an Act of the Parliament of *Great Britain*, was paſſed in the Twenty Second Year of his preſent Majeſty's Reign, entitled *An* Act *for encouraging the People known by the Name of* Unitas Fratrum *or* United Brethren, *to ſettle in his Majeſty's Colonies in* America: Whereby every Perſon who is a Member of the Church or Congregation called *Unitas Fratrum* or *United Brethren*, and who ſhall reſide in any of his Majeſty's Colonies in *America*, is exempted from bearing Arms, or doing military Service, in any of the ſaid Colonies; but ſhall nevertheleſs contribute and pay ſuch Sums of Money, as ſhall be rated and aſſeſſed on ſuch Perſon, in Lieu of ſuch perſonal Service; And although ſuch Contribution may be a reaſonable Compenſation to the Publick for the Want of ſuch perſonal military Service; yet in Times of eminent Danger every one ought to exert himſelf to his Utmoſt, in the Defence of his Country: And as ſuch Perſons may be uſefully employed in Services no Ways incompatible with their religious Sentiments: **Be it therefore Enacted** *by the Authority aforeſaid*, That in Lieu of the perſonal military Service

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Service of the People of the ſaid Church or Congregation, called *Unitas Fratrum*, or *United Brethren*, who reſide in this Colony, every of them claiming ſuch Exemption, ſhall pay the Sum of *Twenty Shillings*, to be levied in Three Months after the Publication of this Act. And every of them, who being duly warned to ſerve on ſuch military Watch as aforeſaid, ſhall neglect or refuſe ſo to do, or to ſend a ſufficient well-armed Man in his Stead, ſhall forfeit for every ſuch Neglect or Refuſal, the Sum of *Ten Shillings*. And the People of the ſaid Church or Congregation, and alſo all ſuch who are of the People called *Quakers*, who refuſe to bear Arms, ſhall in Time of Alarm or Invaſion, ſeverally appear, provided with one good Spade, Iron-ſhod Shovel and Pick-axe, and Six empty Bags, each Bag ſufficient to contain two Buſhels, and ſhall ſerve as Pioneers or Labourers, or upon any other than military Service, in ſuch Manner as ſhall be directed by the Governor or Commander in Chief for the Time being, or the commanding Officer in the Place where ſuch Alarm or Invaſion may happen, under the Penalty of *One Hundred Pounds*.

The People called Moravians, ſubject to a Fine of 20s. in Lieu of perſonal military Service.
And 10 s. for not ſerving on Military Watch,
Duty of *Moravians* and *Quakers* in Time of Alarm or Invaſion.

XXXIX. **And be it Enacted**, That the ſeveral Rates, Penalties, Fines and Forfeitures, which ſhall accrue and grow due from the People of the ſaid Church or Congregation, and from the People called *Quakers*, ſhall be paid to the reſpective City or County Treaſurers, where the ſame ſhall ariſe: And on Non-payment thereof, ſuch Treaſurers reſpectively, ſhall forthwith make Application to any one Juſtice of the Peace, for a Warrant to levy the ſame by Diſtreſs and Sale of the Offender's Goods, who is hereby directed to grant ſuch Warrant; and if no Goods be found on which to levy ſuch Rate, Fine or Forfeiture, then to commit the Offender to the County Gaol, there to remain until ſuch Rate, Fine or Forfeiture, and the Fees of ſuch Warrant are paid. And the ſaid County Treaſurers ſhall, from Time to Time, render juſt and true Accounts upon Oath, of all the Monies which they ſhall ſo receive, to the Governor or Commander in Chief; and by his Order, apply the ſame towards purchaſing of Arms and Ammunition for the Uſe of the ſaid Cities or Counties reſpectively; which ſhall be lodged in the reſpective City or County Halls, under the Care of the ſeveral Sheriffs, and delivered out from Time to Time, as the Governor or Commander in Chief ſhall appoint and direct.

Their Fines how recovered and applied.

XL. **Be it further Enacted** *by the ſame Authority*, That no Perſon pretending, or claiming to be a Member of the ſaid Church or Congregation of the *Unitas Fratrum*, or *United Brethren*, or pretending or claiming to be of the People called *Quakers*, ſhall be entitled to Exemption from military Service by Virtue of this Act, until he ſhall have entered his Name, Place of Abode and Occupation, with the Clerk of the City or County in which he dwells or reſides; who is hereby directed and required, upon the Application of every ſuch Perſon, and on his producing ſuch Certificate as the Laws require in the like Caſes, to enrol the ſame; and to give him a Certificate thereof under his Hand and Seal of Office; for which the ſaid Clerk ſhall receive *One Shilling and Six Pence*, and no more: Which Certificate ſhall intitle the Perſon whoſe Name is mentioned therein to have been enrolled as aforeſaid, to the Benefit of this Act; and the ſaid reſpective Clerks, are once every three Months, to tranſmit to the Secretary of this Colony, or his Deputy, true Copies of all ſuch Entries or Enrolements, to be lodged in the Office of the ſaid Secretary; and Copies thereof alſo to the Treaſurer of the City or County for which the ſaid Clerks are reſpectively appointed; or in Default thereof, the ſaid Clerks ſhall reſpectively forfeit the Sum of *Five Pounds*; to be recovered and applied in the ſame Manner as the ſeveral Fines and Forfeitures mentioned in the next preceding Clauſe in this Act, are directed to be recovered and applied.

Moravians and *Quakers* to enrol their Names, &c. with the Clerk of the City & County in which they reſide.

Clerks to ſend Copies of the Enrolments to the Secretary and County Treaſurers every three Months.
Penalty 5 l.

XLI.

XLI. **And be it further Enacted** *by the Authority aforesaid*, That no Officer or Soldier by this Act directed to appear and muster as aforesaid, or that shall be appointed to watch, shall be liable to be taken by any Officer in any civil Action whatsoever, on the Day whereon such Person is directed to appear or watch, or in any reasonable Time, either in going to, continuing at, or returning Home from the Place or Places appointed to muster or watch: And all Officers are hereby required to take Notice hereof, and govern themselves accordingly.

Exemption from Arrests on Muster-days, &c.

XLII. **Be it also Enacted** *by the Authority aforesaid*, That if any Person or Persons shall be sued, molested, or impleaded, for any Matter or Thing, lawfully done and commanded in the Execution and Performance of this Act, he or they shall plead the general Issue, and give this Act in Evidence; and if the Plaintiff discontinue his Action, be nonsuited, or a Verdict pass against him, the Defendant shall recover treble Costs; nor shall any Suit or Suits be admitted or allowed to be brought, unless it be done within three Months next after the Offence is committed.

Persons sued may plead the general Issue.

XLIII. **And be it Enacted** *by the Authority aforesaid*, That one Act, entitled *An* Act, *to regulate the Militia of this Colony*, passed in the Thirteenth Year of his present Majesty's Reign: And one other Act, entitled *An* Act *to continue an Act, entitled An Act, to regulate the Militia of this Colony, with an Alteration thereto*, passed in the Twenty-Eighth Year of his said Majesty's Reign, and all Acts for reviving or continuing the said first mentioned Act, shall be, and every Article, Clause and Thing in the said Acts contained, are hereby repealed, made void, and rendered of no Force or Effect.

Acts 13 and 28 Geo. II. repealed.

XLIV. **And be it also Enacted**, That nothing in this Act shall be construed, to subject the Gentlemen of his Majesty's Council, and the Members of the General Assembly, not holding any military Office, or Ministers of the Gospel, to do any military Duty whatsoever.

This Act not to extend to the Council or Assembly, or Ministers of the Gospel.

XLV. **Provided always, and be it further Enacted**, That nothing in this Act contained, shall be intended or construed, to derogate from, or in any wise lessen or diminish, the Powers lodged or invested in the Governor or Commander in Chief for the Time being, by his Majesty's Letters Patent, Commission, or other Power whatsoever; any Thing in this Act contained to the contrary thereof in any wise notwithstanding.

Or to lessen the Powers of the Commander in Chief.

XLVI. **And be it Enacted**, That this Act shall be of Force for one whole Year from the Publication thereof, and no longer.

Act to be in force one Year.

CHAP. LII.

An ACT *to prevent infectious Distempers being brought into this Colony, and to hinder the spreading thereof.*

Pass'd the 3d May, 1755.

Explained by Chap. 69.
Provided for by Chap. 139.

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CHAP. LIII.

An ACT *to enable the Inhabitants of* Schenectady, *to fortify the ſaid Town.*

Paſs'd the 3d May, 1755.

I. BE it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby* Enacted *by the Authority of the ſame,* That the Juſtices of the Peace, Field-Officers, and Captains of the Militia of the Townſhip of *Schenectady*, or the major Part of them, are hereby required and directed, to make a Computation of the Number of Stockadoes which ſhall be wanting, and neceſſary to be gotten, in order to the repairing, finiſhing and compleating the Fortifications round the ſaid Town: And then the ſaid Juſtices, Field-Officers, and Captains, or the major Part of them, are hereby authorized, impowered, and required, to aſſemble themſelves at the ſaid Town, and there to aſſeſs each and every Freeholder, Inhabitant, and Reſident of the whole Townſhip aforeſaid, how many, and what Number and Proportion of Stockadoes each reſpective Freeholder, Inhabitant, and Reſident, ſhall, at his and their own Expence, bring, or cauſe to be brought to the ſaid Town, in order for the carrying on ſuch Fortifications; and to ſuch Place in the ſaid Town, and within ſuch convenient Time, as they the ſaid Juſtices, Field-Officers, and Captains, or the major Part of them, ſhall direct. And in Caſe any Perſon ſhall refuſe to bring the Number he is ordered to the Place, within the Time as aforeſaid, he ſhall, for each Stockadoe he neglects or refuſes to bring, forfeit the Sum of *Four Shillings*, to be recovered before any Juſtice of the Peace of the County of *Albany*. Which Money ſhall, by the ſaid Juſtice, be applied towards compleating the ſaid Fortification.

Juſtices of the Peace to enumerate the Number of Stockadoes neceſſary to fortify Schenectady.

Who are to proportion the Number each Freeholder is to furniſh.

II. AND whereas the Lines and Places moſt proper and neceſſary to fortify the ſaid Town, run over Part of Lots or Paſtures of private Perſons, whereby many Diſputes may ariſe. For Prevention whereof: Be it Enacted *by the Authority aforeſaid*, That it ſhall be lawful to and for the ſaid Juſtices, Field-Officers, and Captains, or the major Part of them, to ſummon the Owner or Owners of ſuch Lots or Paſtures, before them; and endeavour, in a friendly and amicable Manner, to purchaſe the ſame for the Uſe of the ſaid Townſhip, at ſuch reaſonable Rates as they ſhall agree on. But in caſe the Owner or Owners of ſuch Lots or Paſtures, ſhall be unwilling to ſell and diſpoſe of the ſame for the Uſe aforeſaid, or that the Price cannot be agreed upon, that then and in ſuch Caſe or Caſes, it ſhall and may be lawful to and for the ſaid Juſtices, or the major Part of them, to iſſue their Warrants under their Hands and Seals, directed to the Conſtables of the ſaid Townſhip, or any of them, to ſummon Twelve good and lawful Men of the ſaid County, to View ſuch Lots or Paſtures in which ſuch Fortifications or Stockadoes ſhall be directed to be built, and to appraiſe the Value thereof upon Oath, and the Damages which the Owner or Owners thereof may reaſonably ſuſtain by Reaſon of ſuch Fortification or Stockadoes being thereon erected. Which Appraiſement the ſaid Conſtables, or any of them, ſhall return to the ſaid Juſtices, under his or their Seals, and the Seals of thoſe by whom the ſame was made. And the ſaid Juſtices ſhall tranſmit the ſaid Appraiſement ſo returned to them, unto the Superviſors of the ſaid County; who ſhall, and they are hereby directed, impowered, and required, to cauſe the

And to purchaſe the Lands where the ſame are ordered to be placed.

The Charge of which to be born by the Inhabitants, &c.

the Sum so appraised, to be raised, levied and collected upon the Freeholders, Inhabitants, and Residents of the Township aforesaid, in the same Manner as the necessary and contingent Charges thereof are; and the same so raised, levied and collected, to be paid unto the Owner or Owners of such Lots or Pastures, within Ten Months after such Appraisement; and immediately thereafter, the said Lots or Pastures shall belong to the said Township, for the Uses aforesaid.

CHAP. LIV.

An ACT *for naturalizing several Persons therein mentioned.* Private.

Pass'd the 3d May, 1755.

CHAP. LV.

An ACT *to continue an Act, entitled An Act, to restrain the sending Provisions to* Cape-Breton, *or any other* French *Port or Settlement on the Continent of* North-America, *or Islands nigh or adjacent thereto.* See Chap. 50 ante. Repealed by Chap. 72.

Pass'd the 3d May, 1755.

CHAP. LVI.

An ACT *for paying and subsisting Eight complete Companies of One Hundred effective Men each, Officers included, to assist in Conjunction with the neighbouring Colonies, in erecting one or more Forts nigh* Crown-Point, *within his Majesty's Dominions; for raising the Sum of* Ten Thousand Pounds, *for and towards the said Service, and for making current Bills of Credit to the Amount thereof; and other the Purposes therein mentioned.* Explained, Chap. 66, Post.

Pass'd the 3d May 1755.

[As the Money to be raised by this Act, was to be paid on 1st of November, 1761, it was conceived to be unnecessary to print any but the following Sections.]

XXVI. AND whereas by Reason of the heavy Load of Taxes wherewith this Colony is already burthened, it is conceived impracticable to have the first mentioned Sum of *Ten Thousand Pounds*, collected and paid before the Year One Thousand Seven Hundred and Sixty One: And the Services for which the same is intended, requiring to be immediately provided for: **Be it Enacted** *by the Authority aforesaid*, That on the Credit of the aforesaid Tax, to be raised, collected and paid, in the Year One Thousand Seven Hundred and Sixty One, Bills of Credit, to the Amount of the said Sum of *Ten Thousand Pounds*, shall be forthwith printed, made, and issued, and lodged in the Treasury, for the Uses directed by this Act; *that is to say*, Two Hundred Bills of *Ten Pounds* each; Two Hundred Bills of *Five Pounds* each; Two Hundred and Fifty Bills of *Four Pounds* each; Three Hundred Bills of *Three Pounds* each; One Thousand Two Hundred and Fifty Bills of *Two Pounds* each; One Thousand One Hundred Bills of *Twenty Shillings* each; Two Thousand Bills of *Ten Shillings* each, and, Two Thousand Bills of *Five Shillings*

10,000 *l.* in Bills of Credit to be printed, to answer the immediate Payments.

Numbers of the Bills.

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Shillings each: Upon each and every of which Bills, ſhall be impreſſed, on the left Side thereof, the Arms of the City of *New-York*, and under the Arms, in different Characters, theſe Words, *Its Death to counterfeit this Bill:* Which Bills ſhall be in the Form following, *that is to ſay*;

Form of the Bills.

BY a Law of the Colony of New-York, *this Bill ſhall paſs current for* New-York, *the Twelfth* May, *One Thouſand Seven Hundred and Fifty Five.*

Which Bills ſhall be ſigned by Meſſieurs *Gabriel Ludlow*, *Abraham Lynſen*, *David Clarkſon*, and *James De Peyſter*, or any three of them, and numbered by one of them. And in caſe of the Death of any of the ſaid Perſons, the ſaid Bills ſhall be ſigned by the Majority of the Survivors of them.

Signers thereof.

XXVII. **And be it Enacted** *by the Authority aforeſaid*, That *Abraham De Peyſter*, the preſent Treaſurer of this Colony, in whoſe Hands the Stamps of the Arms of the City of *New-York*, and the other Plates, are depoſited, ſhall, in the Preſence of the Signers aforeſaid, or the major Part of them, deliver unto *James Parker*, Printer, the ſaid Stamps and Plates, who is hereby appointed to print the ſaid Bills, and on them to impreſs the ſaid Arms and Plates; which when done, the ſaid *James Parker*, ſhall re-deliver to the ſaid Treaſurer, the ſaid Stamps and Plates, in the Preſence of the Signers aforeſaid, or the major Part of them; and the Receipt of the ſaid Treaſurer, ſhall be to the ſaid Printer a ſufficient Diſcharge for the ſame: And the ſaid Printer is hereby required and directed, to deliver to the Signers hereby appointed to ſign the ſaid Bills, every Bill of Credit by him printed, and ſhall, upon his Delivery of the ſaid Bills, take an Oath in the Words following, *viz.*

The Stamps to be delivered to the Printer.

I A. B. *do declare, That from the Time that the Letters were ſet, and fit to be put into the Preſs, for printing the Bills of Credit now by me delivered to you, until the Bills were printed, and the Letters afterwards diſtributed into the Boxes, I went at no Time out of the Room in which the ſaid Letters were, without locking them up, ſo that they could not be come at without Violence, a falſe Key, or other Art then unknown to me; and therefore to the beſt of my Knowledge, no Copies were printed off but in my Preſence; and that all the Blotters, and other Papers whatſoever impreſſed by the ſaid Letters, whilſt ſet for printing the ſaid Bills, to the Beſt of my Knowledge, are here delivered unto you, together with the Stamps; and in all Things relating to this Affair I have well and truly demeaned myſelf, according to the true Intent and Meaning of the Law in that Caſe made, to the beſt of my Knowledge and Underſtanding.*

The Printer's Oath.

Which Oath all or any of the ſaid Signers are hereby impowered, required and directed to adminiſter.

XXVIII. **And be it Enacted** *by the Authority aforeſaid*, That the Perſons herein appointed to ſign the ſaid Bills of Credit, ſhall take an Oath, before a Magiſtrate of the City of *New-York*, each of them, *well and truly, to perform what by this Act they are enjoined as their Duty, and will knowingly ſign no more Bills of Credit than as by this Act is directed.* And if it ſhall happen that any ſupernumerary Bills ſhall be left after the ſaid Number ſhall be delivered to the ſaid Treaſurer, in Manner aforeſaid, all ſuch ſupernumerary Bills ſhall be burnt and deſtroyed by the ſaid Signers, or the major Part of them, or by the Majority of the Survivors of them, in the Preſence of the Treaſurer of this Colony.

The Signers Oath.

XXIX. **And be it Enacted** *by the Authority aforeſaid*, That the Treaſurer of this Colony, ſhall, out of the Bills of Credit made current by this Act, pay unto *James Parker*, the Sum of *Five Pounds Twelve Shillings*, for printing the ſaid Bills.

Printer's Allowance.

XXX.

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XXX. **And be it Enacted** *by the Authority aforesaid*, That the Bills of Credit enacted and appointed by this Act to be current, shall be received by the Treasurer of this Colony, in all publick Payments; and for any Fund at any Time in the Treasury, and by any Person within this Colony, in all Cases whatsoever, during the Time they are enacted to continue, and be as effectually current as any other Bills of Credit made current in this Colony, by any Act of the Governor, Council, and General Assembly.

Currency of the Bills.

XXXI. **And be it Enacted** *by the Authority aforesaid*, That if any Person or Persons whatsoever, shall counterfeit any of the Bills of Credit made current by this Act, or shall alter any of the said Bills made current as aforesaid, so that they shall appear to be of greater Value than by this Act the same Bill or Bills so altered were enacted, signed or numbered to pass current for; or shall knowingly pass, or give in Payment any of the Bills aforesaid, so counterfeited or altered; every Person guilty of counterfeiting or altering any of the said Bills as aforesaid, or of knowingly passing or giving in Payment any such counterfeit or altered Bill, shall be guilty of Felony; and being thereof convicted, shall suffer the Pains of Death, without Benefit of Clergy: And tho' such counterfeiting, altering, or knowingly passing counterfeit or altered Bills, shall be done out of this Colony; yet any Grand Jury within the City and County of *New-York*, is hereby impowered to present the same, and to set forth in the Indictment, the Place where, by their Evidence, it appeared that the Fact was committed; which Indictment is hereby declared good, notwithstanding that the Place alledged be out of this Colony; and the Petty Juries on the Tryal of all such Issues, shall be returned from the Body of the City and County of *New-York*; any Law, Usage, or Custom to the contrary notwithstanding.

Penalty on counterfeiting the Bills, &c.

XXXII. **And be it Enacted** *by the Authority aforesaid*, That the Treasurer of this Colony, shall be, and hereby is required and directed, upon no Account whatsoever, to issue or give in Payment, any of the Bills of Credit made current by this Act, any otherwise than as hereby directed, or as shall be directed by Act or Acts hereafter to be passed for that Purpose.

None of the Bills to be issued but as directed by Acts of Assembly.

XXXIII. **And be it Enacted** *by the Authority aforesaid*, That the Bills of Credit made, struck and issued by Virtue of this Act, shall be and remain current, until the first Tuesday in *November*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty-two.

Continuation of the Currency of the Bills.

XXXIV. **And be it Enacted** *by the Authority aforesaid*, That as the Money to be raised, levied and collected by Virtue of this Act, shall be paid into the Treasury, the Treasurer of this Colony for the Time being, shall be, and he is hereby directed and required, to use his utmost Endeavours to exchange the same for Bills of Credit made current by this Act; which said Bills so procured, shall be kept in the Treasury, ready to be cancelled, in Manner as is directed in and by an Act, entitled *An* Act *for the more effectual cancelling the Bills of Credit of this Colony*, passed in the Twenty-first Year of his Majesty's Reign.

Method of cancelling the Bills.

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CHAP LVII.

An ACT *for impreſſing Ship Carpenters, Houſe Carpenters, Joiners, Sawyers, and their Servants, and all other Artificers and Labourers, for the building of Battoes: And alſo for impreſſing Horſes, Waggons, Battoes, Scows, Steerſmen, and all other Things neceſſary for tranſporting Men, Carriages, and all other Neceſſaries for erecting a Fort, or Forts nigh* Crown-Point, *on His Majeſty's Lands, and other Fortifications within this Colony, and for limiting and aſcertaining the Prices and Rates of Materials requiſite thereto.*

See Chap. 95. Repealed by Chap 162.

Paſs'd the 3d May, 1755.

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CHAP. LVIII.

An ACT *to prohibit the Sale of Rum, or any other Strong Liquors, to any Indian or Indians within the City or County of* Albany, *excepting at the Trading Houſe at* Oſwego, *and to prevent the buying, exchanging, or taking in Pawn, of or from any of the ſaid Indians, any Arms, Ammunition, or Cloathing.*

Continued by Chap. 98 poſt.

Paſs'd the 5th July, 1755.

CHAP. LIX.

An ACT *to enable the Creditors of Inſolvent Debtors, who are willing to give up their Effects, to diſpoſe of the ſame for the Benefit of the Creditors, and to releaſe the ſaid Debtors from Impriſonment.*

Repealed by Chap. 225.

Paſs'd the 5th July, 1755.

CHAP. LX.

An ACT *to enable the Corporation of the City of* Albany, *and ſome of the Juſtices of the Peace of the County of* Albany, *to Repair the Fortifications of the ſaid City.*

Paſs'd the 5th July, 1755.

I. BE it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby* Enacted *by the Authority of the ſame,* That the Mayor, Recorder, and Aldermen of the ſaid City of *Albany*, with the Aſſiſtance of ſuch Juſtices of the Peace as dwell and reſide in that Part of the County, lying and being within the Compaſs of Six Miles Diſtance from the Wall and Stockadoes of the City aforeſaid, or the major Part of them, ſhall be, and hereby are required and directed to make a Computation of the Number, Dimenſions and Goodneſs of Stockadoes which ſhall be wanting and neceſſary to be gotten, in order to the repairing, finiſhing and compleating the Fortifications round the ſaid City; and then the ſaid Mayor, Recorder and Aldermen and Juſtices, or the major Part of them, are hereby authorized, impowered and required to aſſemble themſelves at the *City-Hall* in the ſaid City; and there to aſſeſs each and every Freeholder, Inhabitant and Reſident of the whole City aforeſaid, and every Freeholder, Inhabitant and Reſident within the Diſtance of Six Miles of the ſaid City, how many, and what

Computation to be made of the Number and Dimenſions of the Stockadoes wanting.

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what Number and Proportion of Stockadoes each reſpective Freeholder, Inhabitant and Reſident aforeſaid, ſhall, at his and their own Expence, bring or cauſe to be brought to the ſaid City, in order for the repairing ſuch Fortifications; and to ſuch Place in the ſaid City, and within ſuch convenient Time as they the ſaid Mayor, Recorder and Aldermen and Juſtices, or the major Part of them ſhall direct: And in caſe any Perſon ſhall refuſe to bring the Number to the Place he is ordered within the Time limited, he ſhall for each Stockadoe he neglects or refuſes to bring, forfeit the Sum of *Four Shillings*, to be recovered before any Juſtice of the Peace of the City and County of *Albany* aforeſaid; which Money ſhall, by the ſaid Juſtice, be applied towards compleating the ſaid Fortifications.

The Mayor and Aldermen to appoint the Number of Stockadoes each Freeholder, Inhabitant and Reſident is to furniſh at his own Expence.

II. **And be it Enacted** *by the Authority aforeſaid*, That the Mayor, Recorder and Aldermen of the ſaid City, or the major Part of them, are hereby authorized, required and directed to raiſe ſuch Sum or Sums of Money as ſhall be neceſſary for ſetting up and placing all the ſaid Stockadoes properly round the ſaid City, on the Eſtates real and perſonal of all and every the Inhabitants, Freeholders and Reſidents of the ſaid City, in the ſame Manner as the other neceſſary and contingent Charges of the ſaid City are, and in ſuch convenient Time as they ſhall order and appoint, and the ſame to pay to ſuch Perſon or Perſons to be by them employed for the Purpoſes aforeſaid, as they the ſaid Mayor, Recorder and Aldermen ſhall judge fit.

The Charge of placing up which to be raiſed on the Eſtates real and perſonal of each Freeholder, &c.

CHAP. LXI.

An ACT *for the more eaſy collecting of His Majeſty's Quit-Rents in the Colony of* New-York, *and for Partition of Lands in order thereto.*

Paſs'd the 5th July, 1755.

WHEREAS there are many Grants of large Tracts of Land in this Colony (ſome of which do not mention the Number of Acres they contain) which ſince the granting thereof, have been ſubdivided into many Shares, and one entire Rent reſerved for the Whole; ſo that his Majeſty's Receiver General cannot know what Rent to demand or receive from the reſpective Owners: And other Tracts of Land within this Colony, are held by Perſons reſiding out of the Colony; and no Settlements being made upon the Land, no Diſtreſs can be made for the Quit-Rent reſerved, and in Arrear; which render it impoſſible for his Majeſty's Receiver General to collect and receive his Majeſty's Quit-Rents in this Colony regularly and duly as they ought to be. For Remedy whereof for the Future,

Preamble.

I. **Be it Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame*, That (for the more regular and orderly gathering the Quit-Rents due, and to become due from the ſeveral Towns within this Colony, by Virtue of their reſpective Town-Grants or Patents) the ſeveral Freeholders in each of the ſaid Towns, ſhall yearly and every Year, at their uſual Town-Meetings, have full Power and Authority, by the Majority of Voices of the ſaid Freeholders then met and aſſembled, to chooſe and appoint proper Officers, and make ſuch prudential and reaſonable Orders and Regulations for aſſeſſing, levying and collecting of and from each Freeholder, his or her reſpective Quota of the annual Quit-Rent reſerved and payable to his Majeſty in the general Grant or Patent

The Freeholders of Townſhips to appoint Officers and make Orders for aſſeſſing and collecting the Quit Rents.

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Patent for the ſaid Town, as ſhall be voted and agreed reaſonable and neceſſary to be appointed, made and done in and about the ſame: All which Appointments, Regulations and Orders ſo made, ſhall be binding upon all the Freeholders of ſuch Town: Any Law, Uſage or Cuſtom to the contrary thereof in any wiſe notwithſtanding.

The Proprietors of other Grants of Land, to chooſe yearly two Aſſeſſors and one Collector, to aſſeſs and collect the Quit-Rent to the 25th of *March* enſuing.

II. And for the more regular and orderly collecting, gathering, and paying the Quit-Rents due and to become due from all other Grants and Patents for Lands within this Colony; **Be it alſo Enacted by the ſame Authority,** That it ſhall and may be lawful for all and every the reſpective Owners and Proprietors of ſuch Grants and Patents for Land, or ſuch of them as ſhall think fit, to aſſemble and meet together on the firſt Tueſday in *May*, yearly and every Year, at the uſual or moſt publick Place of meeting within their reſpective Grants or Patents, or at ſuch other Time and Place as the major Part of them ſo met ſhall agree upon; and then and there by the Majority of Voices of the ſaid Freeholders and Proprietors there met, either by themſelves or their Proxies, to elect and chooſe out of the ſaid Freeholders, two Aſſeſſors and one Collector; which Aſſeſſors ſo by them choſen, ſhall, within Thirty Days thereafter, rate and aſſeſs the ſeveral Owners and Freeholders of the ſaid Grant or Patent reſpectively, according to the Part, Share, and Proportion of Land each Owner or Freeholder ſhall have, hold, poſſeſs or enjoy within ſuch reſpective Grant or Patent, ſo that the Whole ſhall make up and amount to the whole Quit-Rent which will be due to his Majeſty from or upon ſuch Grant or Patent, to the Twenty-fifth Day of *March* then next following, together with *One Shilling* in every *Pound*, for the Reward of the Collector, for collecting and paying the ſame to his Majeſty's Receiver General or his Deputy: Which ſaid Aſſeſſors, before they begin ſuch Aſſeſſment, ſhall take an Oath before ſome one Juſtice of the Peace within this Colony, who is hereby authorized and required to adminiſter the ſame well, truly, impartially, and in due Proportion, according to the beſt of their Underſtanding, to aſſeſs and rate the ſeveral Owners and Freeholders of ſuch Grant or Patent for which they are choſen Aſſeſſors. And that the ſaid Aſſeſſors ſhall within Ten Days after they ſhall have made the ſaid Aſſeſſment, deliver unto the Perſon ſo to be choſen Collector, ſuch Aſſeſſment ſo by them made, under their Hands and Seals; which ſaid Collector ſhall forthwith collect the ſeveral Sums in ſuch Aſſeſſment, ſo that he pay the ſame (his own Allowance for collecting excepted) to the Receiver General, or his Deputy, on or before the firſt Day of *May* then next following, taking a Receipt for the ſame. And if any of the ſaid Owners, Proprietors, or Freeholders of ſuch Grant or Patent, ſhall refuſe, neglect, or delay to pay his or her Share or Proportion of the ſaid Rate or Aſſeſſment, then it ſhall and may be lawful for ſuch Collector, to collect and levy the ſame by Diſtreſs and Sale of the Goods and Chattels of the Defaulter or Defaulters where the ſame may be had or found, with the Coſts and Charges thereof, in the ſame Manner as the Collectors of the public Taxes in this Colony are impowered to do, or to proſecute for the ſame before any one Juſtice of the Peace within this Colony, who is hereby authorized and impowered to hear and determine the ſame. And in caſe ſuch Collector ſhall not find Goods and Chattels of the Defaulters whereon to make Diſtreſs, or recover ſuch Rate or Aſſeſſment in Manner aforeſaid, then it ſhall and may be lawful for ſuch Collector, to collect and levy the Share and Proportion of the Rate aforeſaid, of ſuch Defaulter or Defaulters, of and from all and every of the Reſt of the Owners, Freeholders, or Proprietors aforeſaid, in Proportion to their ſeveral Aſſeſſments, giving unto the Perſon or Perſons from whom he ſhall ſo collect and receive ſuch Share and Proportion, a Receipt for the ſame. And in caſe ſuch Defaulter or Defaulters ſhall not

Allowance to the Collectors.

Aſſeſſors to take the Oath preſcribed,

and to deliver their Aſſeſſment to the Collectors, who are to collect and pay the ſame to the Receiver General by the 1ſt of *May* following.

Power to the Collectors to diſtrain.

Where there is no Diſtreſs, the Collector to levy the Rent on the other Proprietors;

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not repay his Share or Proportion of the ſaid Rate or Aſſeſſment ſo levied, collected, or paid for him, unto the Perſon or Perſons from whom the ſame was ſo levied or collected, together with lawful Intereſt for the ſame. And in caſe any Perſon or Perſons holding Part of any Lands granted by any Letters Patent, already hath paid, or hereafter ſhall pay the Quit-Rent formerly due, or that ſhall become due to his Majeſty from others holding Lands under the ſame Letters Patent; and the Perſon or Perſons for whom ſuch Quit-Rent hath been, or ſhall be ſo paid, ſhall not repay the ſame with lawful Intereſt, to the Perſon or Perſons having ſo paid the ſaid Quit-Rent; that then, and in either of the ſaid Caſes, it ſhall and may be lawful for ſuch Perſon or Perſons on which ſuch Share or Proportion of ſuch Rate or Aſſeſſment had been ſo levied or collected, or that hath or ſhall ſo pay Quit-Rent for another Perſon holding Lands in the ſame Letters Patent, to apply either in Perſon or by Attorney, to ſome one of the Juſtices of the Supreme Court of Judicature of this Colony for Relief in the Premiſes: Which ſaid Juſtices of the ſaid Supreme Court, and each and every of them, are hereby fully authorized and required (as Juſtices of his Majeſty's Court of Exchequer for this Colony) to cauſe a public Advertiſement to be publiſhed in one of the public News-Papers printed in the City of *New-York*, notifying the Perſon or Perſons complained of, to appear before him on ſuch Day as he ſhall therein appoint, not leſs than Thirty Days, nor more than Forty Days thereafter, to ſhew Cauſe, if any, he, ſhe or they hath or have, why ſo much of his, her or their Lands, for which the Quit-Rent had been ſo levied, collected or paid as aforeſaid, ſhould not be ſold to ſatisfy the Sum ſo paid, with Intereſt and Charges. And in caſe ſuch Perſon or Perſons ſhall not appear on the Day ſo appointed, either in Perſon, or by Attorney; or if he, ſhe or they ſhall appear on the ſaid Day, the ſaid Juſtice to whom ſuch Application was made, ſhall hear the Party or Parties ſo appearing in Perſon, or by Attornies, in a ſummary Way, and ſhall then certify under his Hand, the Sum due to the Party who had ſo applied for Relief, for Principal, Intereſt and Charges, together with the Charges of the Proceſs to iſſue thereupon. And upon ſuch Certificate, Proceſs ſhall iſſue under his Seal, directed to the Sheriff of the County where the Lands lie, for which the Perſon ſo complaining had paid Quit-Rent; commanding ſuch Sheriff, in his Majeſty's Name, within Sixty Days after the Teſte of the ſaid Proceſs, (which ſhall always be in the Name of ſuch Judge, and on the Day of the Date of the Judge's Certificate aforeſaid) to ſell and diſpoſe of, at public Vendue or Outcry, to the higheſt or beſt Bidder, ſo much of ſuch Perſon's Lands contained within ſuch Letters Patent, for which the ſaid Perſon or Perſons who had ſo applied, had paid Quit-Rent, as will pay the Sum ſo certified to be due for Principal, Intereſt and Charges, and the further incidental Charges thereon; and to pay ſuch Monies into the Hands of the ſaid Perſon or Perſons who had ſo applied, within Twenty Days after ſuch Sale. And every ſuch Sheriff to whom ſuch Proceſs is directed, is hereby fully impowered and required, within Six Days after the Receipt of ſuch Proceſs, to cauſe Advertiſements to be affixed on the Court-Houſe, and three or more of the moſt uſual public Places in the County where the Land lies, that on ſuch a Day (which ſhall not exceed Fifty, or be leſs than Forty Days after the Date of ſuch Advertiſement) ſo much of ſuch Lands will be ſold at public Vendue or Outcry, to the beſt Bidder, as will pay the Sum mentioned in the ſaid Proceſs, and the Charges of Advertiſements, Sale, Survey, and Conveyance, and other incidental Charges: And that upon the Day appointed for ſuch Sale as is before directed, the ſame Sale ſhall be made at the Court-Houſe of the County in which the Lands lie, between the Hours of Nine and Twelve in the Forenoon. And the reſpective Sheriffs of the Counties aforeſaid, are hereby fully impowered and authorized to ſell and diſpoſe of ſuch Land at

And if the Defaulter do not repay the ſame with Intereſt,

Or in caſe Perſons for whom Quit-Rent hath been paid by others ſhall not repay the ſame with Intereſt.

In ſuch Caſes Relief may be given by ſale of the Defaulter's Land, on Application to the Juſtices of the Exchequer.

Sheriffs to cauſe Advertiſements to be put up, giving Notice when and where the ſaid Lands are to be ſold.

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public Vendue or Outcry to the beſt Bidder. And at the Time of ſuch Sale, ſuch Perſon or Perſons as will accept of the leaſt Quantity of Land, to pay the Sum mentioned in the ſaid Proceſs, and all Charges, which ſuch Sheriff ſhall then make a true Account of, ſhall be deemed the beſt Bidder. And that upon ſuch Sale, ſuch Sheriff ſhall cauſe ſuch Land ſo ſold to be ſurveyed, and ſhall then make, ſign, ſeal and deliver Deeds and Conveyances thereof (upon Receipt of the Purchaſe Money) to the Purchaſer or Purchaſers thereof. Which Deeds and Conveyances ſo made and executed, ſhall be, and are, by Virtue of this Act, deemed and eſteemed a good, valid and ſufficient Title both in Law and Equity, to all Intents and Purpoſes whatſoever: And the Purchaſer and Purchaſers of Lands by Virtue of this Act, and their reſpective Heirs and Aſſigns, are and ſhall be hereby ſeverally veſted in, and intituled unto an Eſtate in Fee-ſimple, of and in all and every or any of the ſaid Lands, Tenements or Hereditaments ſo purchaſed by them by Virtue of this Act. **Provided always,** That the Lands ſo to be ſold by Virtue of, and in Purſuance of this Act, ſhall be ſurveyed and laid out in one entire Piece, and at one Side or End of the Tract out of which the ſame is ſold, and ſhall always be of the unimproved or uncultivated Lands, if ſo much in one entire Piece and unimproved or uncultivated Lands is contained in the ſame; and ſhall not be ſuch Part thereof as at or before the Time of the ſaid Sale ſhall be claimed by any Perſon or Perſons appearing before the ſaid Sheriff, and declaring upon Oath, (which Oath the ſaid Sheriff is hereby authorized to adminiſter) that he or they verily believe the ſame Land is included within other Letters Patent prior to thoſe out of which the ſaid Land is propoſed to be ſold; and that he or they claim, and verily believe hath or have a good Title to the ſame by Virtue of ſuch other Letters Patent. **And provided alſo,** That no leſs Quantity of Land ſhall be ſold at any Time by Virtue of this Act, than One Hundred Acres; and that whenever any Perſon will accept of leſs than that Quantity of Land, to pay the Sum mentioned in the ſaid Proceſs, and all Charges as aforeſaid, the Sheriff ſhall put up to Sale One Hundred Acres of ſuch Land at public Vendue or Outcry, and the Perſon bidding or offering the moſt Money for the ſame, ſhall be deemed the beſt Bidder; and the ſaid Sheriff ſhall make, ſign, ſeal and deliver, Deeds and Conveyances thereof to the Purchaſer or Purchaſers in Manner herein before directed.

Land ſold by Virtue of this Act, to be laid out in one Piece if there be ſo much unimproved.

Not leſs than 100 Acres to be diſpoſed of at any one Time.

III. **And be it further Enacted** *by the Authority aforeſaid,* That whenever there ſhall be Three or more Years Quit-Rent due, and in Arrear to his Majeſty, for any Grant or Patent for Lands within this Colony, or for any of the Lands in ſuch Patent contained; it ſhall and may be lawful for his Majeſty's Receiver General of this Colony, for the Time being, to give Notice in one or more of the public News-Papers, printed and publiſhed in the City of *New-York,* (which public Notice ſhall be ſo continued for Three Months at the leaſt) that if the Owners or Proprietors of ſuch Lands do not, within Twelve Months after the Date of ſuch public Notice, pay the Arrears of Quit-Rent due to his Majeſty for ſuch Lands, with the Charge of ſuch Notice or Notices being given, to the ſaid Receiver General, That ſo much of the ſaid Lands will be ſold at public Vendue or Outcry, as will pay the ſame, with the Charges of ſuch Notices and Sale. In which Notices ſo to be given, in one or more of the public News-Papers as aforeſaid, it ſhall be expreſſed to whom the Grants or Patents were originally made, the Date of the Grants, and the Sum due thereby to the laſt Day of Payment preceeding ſuch Notice, ſo far as the ſame does appear from the Accounts of his Majeſty's Quit-Rents in the Cuſtody of the ſaid Receiver General. And upon Failure of the Payment of the ſaid Quit-Rent and Charges of ſuch Notices as aforeſaid, it ſhall and may be lawful for the ſaid Receiver General, by himſelf or his Deputy, or by his Majeſty's

The Receiver General to give public Notice when three or more Years Quit-Rent are due.

And if the Arrears be not paid in 12 Months after ſuch Notice, to diſpoſe of as much Land as will pay the ſame and Charges.

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Majesty's Attorney General for this Colony, to apply to some one of the Justices of the Supreme Court of Judicature of this Colony; which said Justices, and each and every of them are hereby fully authorized and required (as Justices of his Majesty's Court of Exchequer for this Colony) to cause an Advertisement to be published, to hear the Parties appearing in a summary Way, and to grant a Certificate of the Sum due to his Majesty for Quit-Rent, and the Charges, in the same Manner as is herein before directed; and thereupon the like Process shall issue to the Sheriff of the County where the Lands lie which are so in Arrear to his Majesty for Quit-Rent; which said Sheriff shall thereupon proceed to the Sale of the said Lands, in the same Manner as is herein before particularly directed in the Case of one private Person having paid Quit-Rent for another Person, holding Lands in the same Letters Patent.

IV. **And be it further Enacted** *by the Authority aforesaid*, That the respective Sheriffs, after the Delivery of such Deeds and Conveyances as aforesaid, and within Twenty Days after such Sale, shall pay to his Majesty's Receiver General for the Time being, or his Deputy, the Quit-Rents due and owing to his Majesty for such Lands, with the Charges so certified by the said Judge: Or if sold for repaying any private Person the Monies for which he had been distrained, or had paid Quit-Rent as aforesaid, shall pay the same, with lawful Interest and Charges, to such Person accordingly: And that it shall and may be lawful for such Sheriff to retain in his Hands for his own Trouble, and the other Charges attending such Sale, so much as the Justices of the County where the Lands lie, in their General Sessions of the Peace, shall allow and certify to be due for the same; the said Sheriff returning the Surplus of the Monies, if any there be, to the Person or Persons to whom the said Lands did belong before such Sale; or if he, she or they cannot be found, then to the Treasurer of this Colony, who is hereby required to receive and apply the same from Time to Time in the Payment of the Quit-Rent that shall become due thereafter from such Person or Persons. And the said Sheriff shall at the same Time deliver to the Treasurer, a full and just Account of the Money arisen from such Sale, and of the Application of the same. **Provided Always**, That the said Sheriff, before he makes such Sale as aforesaid, shall take an Oath, to be administred to him in the Words following, *to wit*;

The Sheriff to pay to the Receiver General, the Quit-Rents due, within 20 Days after such Sale.

YOU shall, well, truly, honestly and faithfully, discharge the Trust reposed in you, by an Act of the Governor, Council, and General Assembly of the Colony of New-York, *entitled An* Act, *for the more easy collecting of his Majesty's Quit-Rents in the Colony of* New-York, *and for Partition of Lands in Order thereto, according to the best of your Skill and Understanding. So help you* GOD.

The Sheriff to take an Oath before he makes the Sale.

Which Oath any Justice of the Peace is hereby authorized and required to administer, and to give a Certificate thereof to the said Sheriff, who shall file the same with the Clerk of the Peace of the County in which the Lands lie.

V. AND whereas many Persons have and do hold Lands within this Colony, in joint Tenancy, or in Common, and several of the Owners or Proprietors being either dead, under Age, or beyond the Seas, has not only greatly obstructed the Payment of his Majesty's Quit-Rents for the same Lands, but also very much impeded and hindered the Cultivation, Settlement and Improvement of this Colony. For Remedy whereof, **Be it Enacted, and it is hereby Enacted** *by the Authority aforesaid*, That the Owners and Proprietors of such Lands, or such or so many of them as have the greatest Share and Interest therein, may, in the Absence of, or without the other Proprietor or Proprietors, Owner or Owners, proceed to make Partition of such Lands held in joint Tenancy,

Owners and Proprietors of Lands to make Partition of such as are held in joint Tenancy, or in Common, in the Absence of other Proprietors or Owners

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Tenancy, or in Common as aforeſaid, in ſuch Manner as is herein after mentioned, and ſet off for ſuch abſent or other Proprietor or Proprietors, Owner or Owners, their Share or Portion of the ſame Lands. And in caſe after ſuch Partition made, ſuch abſent or other Proprietor or Proprietors, Owner or Owners, do not, within Twelve Months, pay to the other Proprietors, their Share and Proportion of all reaſonable Charges and Expences of ſuch Diviſion, with the lawful Intereſt thereof; then and in ſuch Caſe, it ſhall and may be lawful for the Judge of the Inferior Court of Common Pleas, and the Sheriff of the County in which ſuch Lands ſhall happen to be, to ſell ſo much of the abſent Proprietors or Owners Lands, as ſhall be ſufficient to pay and ſatisfy his, her or their Share and Proportion of the Charges of ſuch Partition and Sale as aforeſaid, with lawful Intereſt of the ſame, and then return the Overplus (if any be) to the Owner or Owners thereof; and Advertiſements ſhall be inſerted in one or more of the public News-Papers printed in this Colony, and alſo fixed up, at leaſt Six Months before ſuch Sale ſhall be made, in the City-Hall, in the City of *New-York*, on the Court-Houſe, and three other public Places in the County where the Land lies, giving Notice that the ſame will be Sold at public Vendue to the higheſt Bidder or Bidders at ſuch Court-Houſe, on the firſt Day of the Meeting of the Judges and Juſtices, to hold the then next Inferior Court of Common Pleas in and for ſuch County, giving Notice alſo of the Lands that are to be ſold, and to what Value. And upon Sale of ſuch Land, and receiving Payment, the ſaid Judge and Sheriff ſhall, and are hereby fully impowered and authorized, to convey the ſame to the Purchaſer or Purchaſers thereof, and to execute a good and ſufficient Deed or Deeds for the ſame; which Deed or Deeds ſo executed, ſhall be valid and effectual, to veſt the Fee-ſimple of the Lands ſold in ſuch Purchaſer or Purchaſers; and his, her or their Heirs and Aſſigns, as fully and effectually as if the original Proprietor or Owner of the ſame Lands had by Deed in due Form of Law, conveyed the ſame.

Joint Tenants, Tenants in common and Agents of Grantees, may make Partition of Lands, as they are now or hereafter may be held.

VI. **And be it further Enacted,** That ſuch joint Tenant, or Tenants in common, dwelling and reſiding within this Colony, that now hold, or hereafter ſhall hold any Eſtate or Eſtates of Inheritance in their own Right, or in the Right of their Wives, in any Tract or Tracts of Land within this Colony; and the Guardians of Infants under the Age of Twenty-one Years; and the Agents or Attornies of any Patentee or Grantee, their Heirs or Aſſigns, or ſuch or ſo many of them as have the greateſt Right, Share or Intereſt in ſuch Lands, may make Partition of all or any Part of ſuch Tracts of Land as they now hold, or hereafter ſhall hold by any Letters Patent or Grants, or otherwiſe howſoever, in the Name and Behalf of all the Proprietors or Owners intereſted in the ſame Lands.

The Sheriff of the County upon Application, to ſummon nine ſubſtantial Freeholders,

Out of which Number the Judge and Juſtices are to nominate Three only to lay out and divide the ſaid Lands,

VII. And to this End, **It is hereby further Enacted,** That the Sheriff of the County where the Lands to be divided are ſituate and lying, upon due Application made to him in Writing by ſuch Perſons as aforeſaid, ſhall nominate and ſummons Nine good ſubſtantial Freeholders and Inhabitants of the Neighbourhood, who are no ways intereſted in the ſaid Lands, or any way related to any of the Parties intereſted therein; the Names of which Nine Perſons ſo nominated, ſhall, by the Sheriff, be impannelled and ſhewn to the Judge and Juſtices at the next Court of Common Pleas, to be held in and for the ſaid County; who is alſo to declare unto the ſaid Judge and Juſtices the Cauſe of his ſummoning them; and requeſt of the ſaid Judge and Juſtices, to elect and chuſe out of the ſaid Nine Perſons, ſuch Three of them as they ſhall think fit to lay out and divide the ſaid Lands, in Conjunction with the Sheriff, between the Parties, Owners thereof; and the ſaid Judge and

Juſtices

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Juſtices are thereupon, in the ſaid Court of Common Pleas, required and directed to elect and chuſe ſuch Three Perſons accordingly. Which Three Perſons ſo elected and choſen as aforeſaid, together with the ſaid Sheriff, ſhall, in the ſaid Court, take the following Oath:

Oath to be taken by the Sheriff and the Three nominated Perſons.

We A. B. &c. *will divide the Lands* [deſcribing them] *among the ſeveral Perſons intereſted therein, equally and impartially, according to the beſt of our Knowledge and Judgment: So help us GOD.*

Clerk's Fees for entering a Minute of ſaid Oath, in the Minute-Book of the Court.

A Minute of which Oath ſhall be entered in the Minute-Book of the Court, for which Entry the Clerk ſhall have *One Shilling and Six-pence*, and for every Copy thereof *One Shilling*; and for adminiſtring the Oath to the Freeholders, *Two Shillings and Three-pence*. And the ſaid Sheriff, and Three Perſons ſo elected and ſworn, and the Survivors and Survivor of them, ſhall take the beſt Methods in their Power, to view and inform themſelves of the Quantity and Quality of the Lands to be divided, and the Number of Perſons intereſted in the ſame Lands, and the proportionable Quantity of Intereſt each Perſon hath in the ſame, and ſhall thereupon divide the whole Lands to be divided, into ſuch and ſo many Lots as will yield and give to every Proprietor or Owner his full Proportion of Lands, according to the Quantity and Quality in the Tract or Tracts to be divided: Which Lots ſo laid out and divided, ſhall be laid down on a Map, and number'd differently; and ſhall contain the Length and Courſes of the Lines of every Lot diſtinctly. And the ſaid Sheriff and Three Perſons, and the Survivors and Survivor of them, ſhall, if they think proper, in order to a more equal Diviſion of the ſame Lands, diſtinguiſh and lay out the ſame Lots into ſeveral Aſſortments, having a due Regard to the Quality as well as Quantity of the ſame Lots, ſo that each Proprietor or Owner, upon drawing of Lots, may have an Aſſortment of Lots, as nearly of an equal Value with every other Aſſortment, as the ſame can conveniently be put together.

Map of the Lots, and a Liſt of the Proprietors names to be delivered to the Court of Common Pleas.

VIII. **And it is hereby further Enacted**, That after the ſaid Lots are laid out and deſcribed on a Map, and numbered and diſtinguiſhed as aforeſaid, and prepared for drawing, the ſame Sheriff, and the Three Freeholders, or the Survivors and Survivor of them, ſhall, under their Hands and Seals, return and deliver unto the Judge and Juſtices of the then next Court of Common Pleas to be held in and for the ſame County, the ſaid Map, and a Liſt of the Names of the Proprietors and Owners, with an Account of the Number of Lots laid out for each Proprietor or Owner, and an Aſſortment of Lots for the more equal Partition of the ſame Lands: Which Map ſhall be filed with the Clerk of the ſaid Court, and an Entry thereof ſhall be made of ſuh Filing.

The Map to be filed.

Oath to be adminiſtred to the Judge and aſſiſtant Juſtices.

And the ſaid Judge and Juſtices ſhall, upon Receipt of ſuch Map and Return, cauſe the ſaid Clerk to adminiſter the following Oath unto the Judge, and two or more Juſtices or Aſſiſtants then preſent in Court, *viz. You, and each of you, ſhall do Juſtice, and ſee Juſtice done to all Perſons concerned in the Lands now to be divided, according to the beſt of your Knowledge and Underſtanding: So help you GOD.* And thereupon the Clerk ſhall make an Entry in the Minute-Book of ſuch Oath having been taken by the ſaid Judge and Juſtices.

Who are to proceed to the Drawing of the Lots in the Manner directed.

And after ſuch Oath taken, the ſaid Judge and Juſtices ſo taking the ſame, ſhall, in open Court, write, or cauſe the Names of the Proprietors and Owners to be wrote on ſeveral Pieces of Paper, as often as each Proprietor or Owner hath Lots, or Aſſortments in the Lots to be drawn; and ſhall put the ſame Papers, folded up, and all, as near as may be, of the ſame Size and Form into one Box, and ſhall write the Number of the Lots, or the Aſſortments of the Lots to be drawn, on an equal Number of Papers of the ſame Size and Form, and ſhall put them into another Box, and then each Box ſhall be

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ſhaken by the Clerk; and two Boys ſhall be called, each under Sixteen Years of Age; and the ſaid Clerk ſhall bid one Boy take out one Paper out of one Box, and ſhall receive it from him, and deliver it to the Judge; and then he ſhall bid the other Boy take one Paper out of the other Box, and ſhall receive it from him, and deliver it to one of the Juſtices ſworn as aforeſaid: Which Papers the Judge and Juſtices reſpectively, ſhall hold up between his Fore-Finger and Thumb, in the Sight of all preſent, and then each of them ſhall open the Paper in his Hand, and the Perſon who hath the Name ſhall read it aloud; and then the Clerk ſhall enter it down in a Sheet of Paper, which ſhall contain an Account of the Drawing of the ſame Lots; and the other Perſon ſhall open his Paper, and ſhall read aloud the Number of the Lot or Lots drawn for the Proprietor or Owner whoſe Name is drawn, and the Clerk ſhall enter the Number or Numbers of the Lots drawn, againſt the Name of the Proprietor or Owner entered in the Sheet of Paper as aforeſaid; and the ſaid Clerk ſhall ſeal or otherwiſe faſten the two Papers together, and ſhall deliver them to the Judge. And ſuch Lot or Lots ſo drawn, ſhall belong to, and be the Property of that Proprietor or Owner whoſe Name is drawn with them; and the Clerk ſhall forthwith write the Name of ſuch Proprietor or Owner in the Map aforeſaid, in the Lot or Lots drawn for ſuch Proprietor or Owner: And in the ſame Manner ſhall the Judge, Juſtice and Clerk aforeſaid, proceed, till the whole Number of Lots be drawn. And if the ſame cannot conveniently be drawn in one Day, they may adjourn and proceed the next Day, and ſo on during the whole Time of the ſitting of the Court, till the Lots are wholly drawn.

The Perſons Names for whom any Lot is drawn to be wrote on the Map.

If the Drawing not finiſhed in one Day to be adjourned to the next.

IX. And whereas it may ſo happen, that the right Owners of the Share and Property belonging to any original Patentee or Patentees, may not be known by the Perſons who ſhall divide the Lots as aforeſaid. In ſuch Caſe it ſhall and may be lawful for the Perſons who ſhall divide any Lands by Virtue of this Act, to lay out ſo many Lots as ſhall belong to the Right of ſuch Patentee or Patentees; and inſtead of the preſent Owner or Owners of the ſame Lands, may enter the Names of the original Patentee or Patentees; and the ſame Lots drawn in the Name of ſuch Patentee or Patentees, ſhall nevertheleſs, belong to the rightful Owners or Owner, and ſhall be his or their Property.

If the Owner of any Share is not known, the Name of the original Patentee to be uſed, and the Lots drawn to be the Property of the Owner.

X. **And it is hereby further Enacted** *by the Authority aforeſaid,* That the ſeveral and reſpective Lots ſo laid out and drawn in Manner aforeſaid, ſhall be the Share, Proportion and Diviſion of each and every the joint Tenants, and Tenants in Common, of and in ſuch Lands ſo divided; and ſhall be holden and enjoyed by ſuch joint Tenants, or Tenants in Common, and their Heirs in ſeveralty, as fully and effectually to all Intents and Purpoſes, as if the ſame had been made by Writ of Partition in Form of Law, or in any other Way or Manner howſoever. And the ſaid Judge, Juſtices, and Clerk, ſhall, by Indenture to be made between them of the one Part, and the ſaid Sheriff of the other Part, under their Hands and Seals, aſſign unto each of the ſaid Proprietors or Owners, the ſeveral and reſpective Lots ſo laid out and drawn in Manner aforeſaid; which Indenture ſhall be recorded in the County Records (paying the uſual Fees) and filed there for the Uſe and Benefit of all concerned.

Partition made by this Act, as effectual as if done by Writ of Partition or otherwiſe.

The Lots drawn to be aſſigned to the Proprietors by Indenture between the Judges, Juſtices, and Clerk; and the Sheriff.

The Indenture to be recorded and filed.

XI. **And be it further Enacted,** That for making exact Partition and Severance, according to the true Intent and Meaning of this Act, an able Surveyor, who ſhall be ſworn for that Purpoſe, ſhall be employed therein, to be provided by the Perſons applying for ſuch Diviſion, at the moſt moderate Rates

A Surveyor to be employed and ſworn.

Rates they can agree. And that the Sheriff ſhall be allowed *Six Shillings*, and the Three Freeholders, *Five Shillings per Diem* each, for every Day they ſhall be doing and performing the ſeveral Offices and Services by them to be done and performed in Manner aforeſaid, beſides a reaſonable Allowance for Meat, Drink, Lodging, and Horſe-Hire, not exceeding *Four Shillings* more for each Day they and each of them ſhall attend, and be upon all and every the reſpective Services aforeſaid. And the Juſtices and Clerk who ſerved at the Drawing of the Lots, ſhall be paid each the Sum of *Six Shillings* per Day, beſides what they were obliged to expend in that Service. And the Boys that draw the Lots, ſhall be paid *Two Shillings* each per Day for that Service. All which ſeveral Sums, and the reſt of the neceſſary Charges attending ſuch Diviſions as aforeſaid, ſhall be paid by the Proprietors and Owners who declared their Conſent to make ſuch Diviſion.

Allowance to the Sheriff and Freeholders,

To the Juſtices and Clerk,

And to the Boys who draw the Lots.

XII. **And be it further Enacted** *by the Authority aforeſaid*, That in order to an equal Aſſeſſment of the Charges of the ſaid Diviſion, on the ſeveral Perſons intereſted in the ſame, the Proprietors or Owners, or ſome of them, at whoſe Inſtance the ſame hath been made, ſhall make up an Account thereof, and ſhall lay the ſame Account before the Judge and Juſtices, and Clerk aforeſaid, who ſhall have inſpected the Drawing of the Lots as aforeſaid, who ſhall cauſe the Sheriff and Perſons who made the Diviſion, to attend them in open Court, in order to be examined; and then to audit the ſame Account by the Oaths of proper Witneſſes, proving the ſeveral Articles thereof: For which Audit, the ſaid Perſons ſo auditing the ſame, ſhall be allowed and paid *Six Shillings* each. And the ſaid Accounts being ſettled and allowed, and ſigned by the ſaid Judge, Juſtices, and Clerk, ſhall be filed with the Clerk of the County in which the Lands lie as aforeſaid, for which he ſhall be paid *Two Shillings*; and each Proprietor or Owner ſhall be chargeable for his Share and Proportion of ſuch Account, and the ſame ſhall remain a Charge upon the Lands ſo divided; and the particular Lots of each Patentee or Proprietor ſhall be ſubject to Sale, and may be ſold for the Payment of the ſame, to ſuch Perſon or Perſons as hath advanced and paid the Expences of ſuch Diviſion, in like Manner as the Sale of Land is herein before directed.

Account of the Charges to be audited by the Judge, Juſtices, and Clerk

Fee for auditing the Account.

The Account to be ſigned and filed.

Each Proprietor liable to his Proportion, and his Lots ſubjected to ſale for Payment.

XIII. AND in caſe any Perſon or Perſons concerned in the Premiſes, ſhall, knowingly and wilfully, commit or connive at any Fraud or Injuſtice in, about, touching or concerning the Premiſes, or any Part thereof, ſuch Perſon or Perſons ſhall be liable to be proſecuted as a common Cheat, and ſuffer as ſuch if convicted thereof. *Provided always*, and it is the true Intent and Meaning of this Act, That the Butt or Out-Lines of ſuch Tracts of Land, of which Partition ſhall be made by Virtue of this Act, and which Butt or Out-Lines do bound on Lands belonging to the Crown, ſhall be run and aſcertained by his Majeſty's Surveyors or Surveyor General, or his or their Deputy for the Time being, according to the Deſcription thereof in the Letters Patent or Grant for ſuch Lands, before any Diviſion ſhall be made thereof; provided that the ſaid Surveyors, or Surveyor General, or his or their Deputy, ſhall within Six Months after Requeſt made, perform ſuch Survey; and that the Reward for the ſame Service ſhall not exceed *Twenty Shillings* a Day, while he or they ſhall be employed in performing the ſame. And if the ſaid Surveyors, or Surveyor General, or his or their Deputy, omit or neglect to perform the ſaid Survey within the Time abovementioned, the intended Diviſion may be proceeded upon, and performed by the Sheriff, Surveyor and Freeholders beforementioned: Any Thing herein to the contrary notwithſtanding. *Provided alſo*, and it is the further Intent and Meaning of this Act, That nothing herein contained ſhall take away, or be conſtrued to the Prejudice

Perſons guilty of Fraud to be proſecuted.

If the Out-Lines bind on Crown Lands, to be run by the Surveyor General.

Who is to perform that Service in Six Months.

His Allowance.

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Saving of the King's Rights and the Rights of others.

dice of his Majeſty's Rights; but that in all Diviſions hereafter to be made by Virtue of this Act, his Majeſty's Rights be ſaved; as likewiſe the Rights of all Bodies Corporate and Politic, and all other Perſons whatſoever: Any Thing to the contrary hereof in any wiſe notwithſtanding.

Perſons not performing what is required of them to forfeit £. 10, for every Offence.

XIV. And for making this Act more effectual, and that his Majeſty may not be any longer delayed and kept out of his Rights, for Want of ſuch Diviſion and Partition of Lands as aforeſaid, and that the Inhabitants and Proprietors may be encouraged to ſettle, cultivate and improve the ſame, **It is alſo Enacted** *by the Authority aforeſaid*, That if any Perſon or Perſons, elected, named and appointed, or to be elected, named or appointed to aſſiſt, or to do any Office, Act, or Service in, about, touching, or concerning the Partition, laying out and dividing any the Lands, Tenements or Hereditaments aforeſaid, ſhall deny, neglect, or refuſe to perform and execute all and every, or any Article, Thing or Things by him or them by this Act to be done, performed and executed, on ſuch Days, Times, and in Manner herein before expreſſed, according to the true Intent and Meaning of this Act, they and each of them ſo denying, neglecting or refuſing, ſhall forfeit *Ten Pounds* current Money of this Colony, for every ſuch Denial, Neglect or Refuſal; the One-half thereof to be paid to the Treaſurer, for and towards the Support of this Government, and the other Half to the Party who ſhall ſue for the ſame by Action of Debt, in any of his Majeſty's Courts of Record within this Colony.

Application of the Forfeiture.

Act not to extend to undivided Town Lands.

Except in *Albany*.

XV. *Provided alſo*, That nothing in this Act contained, with Reſpect to the Diviſion of Lands, ſhall be conſtrued to extend, or deemed to relate to any of the common and undivided Lands of any Townſhip within this Colony, (excepting the Townſhips in the County of *Albany*.)

Continuance of the Act.

This Act to be in Force from the Publication thereof to the Firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty Two, and from thence to the End of the then next Seſſion of the General Aſſembly of this Colony.

CHAP. LXII.

Continued by Chap. 101, Poſt.

An ACT *to prevent the Exportation of Proviſions, Naval, and Warlike Stores from the Colony of* New-York *to* Cape-Breton, *or to any other the Dominions of the* French *King, or Places at preſent in Poſſeſſion of any of his Subjects.*

Paſs'd the 5th July, 1755.

CHAP. LXIII.

Obſolete.

An ACT *for providing for ſeveral Services neceſſary towards carrying on the Enterprize of erecting one or more Forts at or nigh* Crown-Point, *and other Purpoſes therein mentioned.*

Paſs'd the 5th July, 1755.

CHAP. LXIV.

Obſolete.

An ACT *to revive an Act, entitled, An* Act *for raiſing the Sum of* One Thouſand One Hundred and Twenty Five Pounds, *by a publick Lottery, for the further Proviſion towards a College for the Advancement of Learning within this Colony, with ſome Alteration thereto.*

Paſs'd the 14th Auguſt, 1755.

CHAP. LXV.

Obſolete.

An ACT *for ſelling the Proviſions belonging to this Colony, in the Hands of* Hans Hanſen, *and* John Cuyler, *Eſquires, at* Albany.

Paſs'd the 14th Auguſt, 1755.

CHAP.

29th GEORGE II A. D. 1755.

CHAP. LXVI.

An ACT *to explain Part of a Clauſe of an Act, entitled, An* * Act *for paying and ſubſiſting Eight compleat Companies of One Hundred effective Men each, Officers included, to aſſiſt in Conjunction with the neighbouring Colonies, in erecting one or more Forts nigh* Crown-Point, *within his Majeſty's Dominions; for raiſing the Sum of* Ten Thouſand Pounds, *for and towards the ſaid Service, and for making current Bills of Credit to the Amount thereof, and other the Purpoſes therein mentioned.*

Paſs'd the 11th September, 1755.

* Chap. 56. ante. As the Part of the Act explained has had its Effect, this Act is Obſolete.

CHAP. LXVII.

An ACT *for raiſing the Sum of* Eight Thouſand Pounds, *to be contributed to the Colony of* Connecticut, *towards the Expence of a Reinforcement of Two Thouſand effective Men, now levying in the ſaid Colony, for the Army deſtined againſt* Crown-Point, *under Major General* Johnſon; *and for emitting Bills of Credit to the Amount of the ſaid Sum of* Eight Thouſand Pounds, *for making immediate Payment.*

Paſs'd the 11th September, 1755.

[The former Part of this Act having had its Effect, it was thought needleſs to publiſh any more than what follows.]

XI. AND as it is impracticable to have the aforeſaid Sums of Money collected ſo ſoon as the preſent Exigencies require; the General Aſſembly pray that it may be Enacted; **And be it Enacted** *by the Authority aforeſaid,* That for making immediate Payment for the Service aforeſaid, Bills of Credit to the Value of *Eight Thouſand Pounds,* be forthwith printed, made and iſſued, upon the Credit of the Money to be raiſed and levied by Virtue of this Act, and lodged in the Treaſury for that Purpoſe; *that is to ſay,* Two Hundred Bills of *Ten Pounds* each; Three Hundred Bills of *Five Pounds* each; Three Hundred Bills of *Four Pounds* each; Three Hundred Bills of *Three Pounds* each; Three Hundred Bills of *Two Pounds* each; One Thouſand Bills of *Twenty Shillings* each; One Thouſand Bills of *Ten Shillings* each; and, One Thouſand Two Hundred Bills of *Five Shillings* each: Upon each and every of which Bills, ſhall be impreſſed on the right Side thereof, the Arms of the City of *New-York*; and under the Arms, in different Characters, theſe Words, *Its Death to counterfeit this Bill:* Which Bills ſhall be in the Form following, *that is to ſay*;

8000 l. in Bills of Credit to be printed, to anſwer the immediate Payments.

BY a Law of the Colony of New-York, *this Bill ſhall paſs current for* New-York, *the Fifteenth Day of* September, *One Thouſand Seven Hundred and Fifty Five.*

Form of the Bills:

Which Bills ſhall be ſigned by Meſſieurs *Fredrick Philipſe, Philip Livingſton, Beverly Roberſon,* and *Leonard Liſpenard,* or any Three of them, and be numbred by one of them: And in caſe of the Death of any of the ſaid Perſons, the ſaid Bills ſhall be ſigned by the Majority of the Survivors of them.

Signers thereof.

XII. **And be it Enacted** *by the Authority aforeſaid,* That *Abraham De Peyſter,* the preſent Treaſurer of this Colony, in whoſe Hands the Stamps of the Arms of the City of *New-York,* and the other Plates are depoſited, ſhall,

29th GEORGE II A.D. 1755.

in the Preſence of the Signers aforeſaid, or the major Part of them, deliver unto *James Parker*, the ſaid Stamps and Plates, who is hereby appointed to print the ſaid Bills, and on them to impreſs the ſaid Arms and Plates; which when done, the ſaid *James Parker* ſhall redeliver to the ſaid Treaſurer the ſaid Stamps and Plates, in the Preſence of the Signers aforeſaid, or the major Part of them; and the Receipt of the ſaid Treaſurer ſhall be to the ſaid Printer a ſufficient Diſcharge for the ſame: And the ſaid Printer is hereby required and directed, to deliver to the Signers hereby appointed to ſign the ſaid Bills, every Bill of Credit by him printed, and ſhall, upon his Delivery of the ſaid Bills, take an Oath in the Words following, *viz.*

The Stamps to be delivered to the Printer.

The Printer's Oath.

I A.B. *do declare, That from the Time the Letters were ſet, and fit to be put into the Preſs, for printing the Bills of Credit now by me delivered to you, until the Bills were printed, and the Letters afterwards diſtributed into the Boxes, I went at no Time out of the Room in which the ſaid Letters were, without locking them up, ſo that they could not be come at without Violence, a falſe Key, or other Art then unknown to me; and therefore to the beſt of my Knowledge, no Copies were printed off but in my Preſence; and that all the Blotters, and other Papers whatſoever impreſſed by the ſaid Letters, whilſt ſet for printing the ſaid Bills, to the Beſt of my Knowledge, are here delivered unto you, together with the Stamps; and in all Things relating to this Affair I have well and truly demeaned myſelf, according to the true Intent and Meaning of the Law in that Caſe made, to the beſt of my Knowledge and Underſtanding.*

Which Oath all or any of the ſaid Signers are hereby impowered, directed and required to adminiſter.

The Signer's Oath.

XIII. **And be it Enacted** *by the Authority aforeſaid*, That the Perſons herein appointed to ſign the ſaid Bills of Credit, ſhall take an Oath before a Magiſtrate of the City of *New-York*, each of them, *well and truly to perform what by this Act they are enjoined as their Duty, and will knowingly ſign no more Bills of Credit, than as by this Act is directed.* And if it ſhall happen, that any ſupernumerary Bills ſhall be left after the ſaid Number ſhall be delivered to the ſaid Treaſurer in Manner aforeſaid, all ſuch ſupernumerary Bills ſhall be burnt and deſtroyed by the ſaid Signers, or the major Part of them, or by the Majority of the Survivors of them, in the Preſence of the Treaſurer of this Colony.

Currency of the Bills.

XIV. **And be it Enacted** *by the Authority aforeſaid*, That the Bills of Credit enacted and appointed by this Act to be current, ſhall be received by the Treaſurer of this Colony, in all publick Payments, and for any Fund at any Time in the Treaſury, and by any Perſon within this Colony, in all Caſes whatſoever, during the Time they are enacted to continue, and be as effectually current as any other Bills of Credit made current in this Colony, by any Act of the Governor, Council, and General Aſſembly.

Penalty on counterfeiting the Bills, &c.

XV. **And be it Enacted** *by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever, ſhall counterfeit any of the Bills of Credit made current by this Act, or ſhall alter any of the ſaid Bills made current as aforeſaid, ſo that they ſhall appear to be of greater Value than by this Act the ſame Bill or Bills ſo altered were enacted, ſigned or numbered to paſs current for; or ſhall knowingly paſs or give in Payment any of the Bills aforeſaid ſo counterfeited or altered; every Perſon guilty of counterfeiting or altering any of the ſaid Bills as aforeſaid, or of knowingly paſſing or giving in Payment any ſuch counterfeit or altered Bill, ſhall be guilty of Felony; and being thereof convicted, ſhall

ſuffer

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ſuffer the Pains of Death, without Benefit of Clergy. And tho' ſuch counterfeiting, altering, or knowingly paſſing counterfeit or altered Bills ſhall be done out of this Colony; yet any Grand Jury within the City and County of *New-York*, is hereby impowered to preſent the ſame, and to ſet forth in the Indictment, the Place where, by their Evidence, it appeared that the Fact was committed; which Indictment is hereby declared good, notwithſtanding that the Place alledged be out of this Colony; and the Petty Juries on the Trial of all ſuch Iſſues, ſhall be returned from the Body of the City and County of *New-York*; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

None of the Bills to be iſſued but as directed by Acts of Aſſembly.

XVI. **And be it Enacted** *by the Authority aforeſaid*, That the Treaſurer of the Colony, ſhall be, and hereby is required and directed, upon no Account whatſoever, to iſſue or give in Payment any of the Bills of Credit made current by this Act, any otherways than as hereby directed, or as ſhall be directed by any Act or Acts hereafter to be paſſed for that Purpoſe.

Continuation of the Currency of the Bills.

XVII. **And be it Enacted** *by the Authority aforeſaid*, That the Bills of Credit made, ſtruck and iſſued by Virtue of this Act, ſhall be and remain current until the firſt Tueſday in *November*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty One.

Method of cancelling the Bills.

XVIII. **And be it Enacted** *by the Authority aforeſaid*, That as the Money to be raiſed, levied and collected by Virtue of this Act, ſhall be paid into the Treaſury, the Treaſurer of this Colony for the Time being, ſhall be, and he is hereby directed and required, to uſe his utmoſt Endeavours to exchange the ſame for Bills of Credit made current by this Act; which ſaid Bills ſo procured, ſhall be kept in the Treaſury ready to be cancelled in Manner as is directed in and by an Act, entitled, *An* Act *for the more effectual cancelling the Bills of Credit of this Colony*, paſſed in the Twenty Firſt Year of his Majeſty's Reign.

CHAP. LXVIII.

An ACT *more effectually to reſtrain the Exportation of Proviſions and warlike Stores from the Colony of* New-York.

Revived by Chap. 93, Poſt.

Paſs'd the 11th September, 1755.

CHAP. LXIX.

An ACT *to explain an Act, entitled,* * *An* Act *to prevent infectious Diſtempers being brought into this Colony, and to hinder the ſpreading thereof.*

* See Chap. 52, ante.

Continued by Chap. 89.

Provided for by Chap. 139.

Paſs'd the 11th September, 1755.

CHAP.

29th GEORGE II
A. D. 1755.

CHAP. LXX.

An ACT *to revive an Act, entitled,* An *Act* to oblige all Perſons that ſhall come to inhabit or reſide in the City of *New-York,* in order to expoſe any Goods, Wares, or Merchandizes to Sale, at any Time after the annual Aſſeſſment made for the Tax for the Maintenance of the Miniſter and Poor of the ſaid City, to pay their due Proportions toward the ſame.

See 1 Vol. Chap. 718 and Chap. 791

Paſs'd the 11th September, 1755.

WHEREAS an Act, entitled, *An* Act *to oblige all Perſons that ſhall come to inhabit or reſide in the City of* New-York, *in order to expoſe any Goods, Wares, or Merchandizes to Sale, at any Time after the annual Aſſeſſment made for the Tax for the Maintenance of the Miniſter and Poor of the ſaid City, to pay their due Proportions toward the ſame,* paſſed in the Fifteenth Year of his preſent Majeſty's Reign, did expire by its own Limitation, on the Twenty Fifth Day of *March,* in the Year of our Lord One Thouſand Seven Hundred and Forty Five. And whereas an Act paſſed in the Eighteenth Year of his Majeſty's Reign, to revive the ſaid Act, did alſo expire by its own Limitation, on the Twenty Fifth Day of *March* laſt: And the ſaid Act having been found to have eaſed the Inhabitants of this City; and it being conceived juſt and reaſonable, that all Perſons having the Benefit of trading, ſhould alſo contribute their Proportion of the ſaid Tax:

I. **Be it therefore Enacted** *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That the firſt-mentioned Act, entitled, *An* Act *to oblige all Perſons that ſhall come to inhabit or reſide in the City of* New-York, *in order to expoſe any Goods, Wares, or Merchandizes to Sale, at any Time after the annual Aſſeſſment made for the Tax for the Maintenance of the Miniſter and Poor of the ſaid City, to pay their due Proportions toward the ſame,* ſhall be, and hereby is revived, and every Article and Clauſe therein contained, to be of Force from the Publication of this Act.

CHAP. LXXI.

Expired 1ſt January 1757.

An ACT *to regulate the collecting the Duty of Exciſe on Strong Liquors, retailed in this Colony.*

Paſs'd the 22d December, 1755.

CHAP.

29th GEORGE II A. D. 1755.

CHAP. LXXII.

An ACT *to enable his Excellency the Governor, or Commander in Chief for the Time being to make Detachments from the Militia of the ſeveral Counties therein mentioned, for protecting and ſecuring the Frontiers of this Colony.*

Paſs'd the 22d December, 1755.

I. BE it Enacted *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* Enacted *by the Authority of the ſame,* That his Excellency the Governor, or Commander in Chief for the Time being, ſhall be, and hereby is impowered and enabled, in caſe Volunteers cannot be procured, to detach from the Militia of the County of *Orange*, Thirty effective Men; and from the Militia of the County of *Ulſter*, Thirty effective Men; to be formed into one Body, under a Captain and Lieutenant, to ſerve as a Company of Rangers, on the Weſtern Frontiers of this Colony, for the Space of One Hundred Days, to be computed from the Time of their entering on the ſaid Service, according to ſuch Orders, Directions, and Inſtructions, as they ſhall, from Time to Time, receive from his Excellency the Governor, or Commander in Chief for the Time being.

The Governor or Commander in Chief to make Detachments from the Counties of *Orange* and *Ulſter*.

II. And be it further Enacted *by the Authority aforeſaid,* That if any Perſon or Perſons ſo detached, ſhall refuſe the ſaid Service, he or they ſo refuſing, ſhall be deemed Deſerters, and ſhall be proceeded againſt, and puniſhed in the Manner herein after directed.

Who are Deſerters.

III. And be it further Enacted *by the Authority aforeſaid,* That in caſe a ſufficient Number of Volunteers cannot be procured to furniſh the full Quota of this Colony, for garriſoning *Fort Edward* and *Fort William Henry*, on the Northern Parts of this Colony, according to an Agreement entered into by Commiſſioners from the Colonies of *Maſſachuſets-Bay*, *Connecticut*, and this Colony, touching the ſame, it ſhall and may be lawful for his Excellency the Goverhor, or Commander in Chief for the Time being, and he is hereby impowered and enabled to detach, from the Militia of the Counties of *Albany*, or *Dutcheſs*, or from both, as ſhall appear moſt for his Majeſty's Service, ſuch Number of effective Men as may be ſufficient to compleat the full Quota of this Colony, according to the aforeſaid Agreement: And in caſe any Perſon or Perſons ſo detached, ſhall refuſe the ſaid Service, he or they ſo refuſing, ſhall be deemed Deſerters, and ſhall be proceeded againſt, and puniſhed accordingly.

Detachments to be made from the Counties of *Albany* and *Dutcheſs*, to gariſon the Forts *Edward* and *Wm. Henry*, if Volunteers cannot be procured.

IV. And be it further Enacted *by the Authority aforeſaid,* That in caſe any Perſon or Perſons engaged in the aforeſaid Service, either as Rangers or in Garriſon, either Officers or Soldiers, ſhall at any Time during the ſaid Service, deſert therefrom, or ſhall begin, excite, cauſe, or join in any Mutiny or Sedition in the Company to which he doth belong, or in any other Company engaged in the ſaid Service, or ſhall hold Correſpondence with any Rebel or Enemy of his Majeſty, or give them Advice or Intelligence, by Letters, Meſſages, Signs, or Tokens, or any Manner of Way whatſoever, or ſhall ſtrike, or uſe any Violence againſt his ſuperior Officer, being in the Execution of his Office; or ſhall refuſe to obey any lawful Command of his ſuperior Officer, they ſhall, reſpectively, ſuffer Death, or ſuch other Puniſhment as ſhall be

Mutiny, Deſertion and Diſobedience puniſhed.

29th GEORGE II A. D. 1755.

inflicted by a Court-Martial: Which Court-Martial, ſhall be conſtituted, appointed and held by Commiſſion from the Governor, or Commander in Chief for the Time being, under the Great Seal of this Province.

CHAP. LXXIII.

An ACT *further to continue an Act, entitled* An *Act, for granting to his Majeſty the ſeveral Duties and Impoſitions on Goods, Wares and Merchandizes imported into this Colony, therein mentioned.*

See Chap. 37, ante. Continued by Chap. 115.

Paſs'd the 22d December, 1755.

WHEREAS the Act, entitled *An* Act, *for granting to his Majeſty the ſeveral Duties and Impoſitions on Goods, Wares and Merchandizes imported into this Colony, therein mentioned*; paſſed in the Twenty-ſeventh Year of his Majeſty's Reign, hath been, by a ſubſequent Act, continued to the firſt Day of *January* next; and the General Aſſembly being willing further to provide for his Majeſty's Service:

I. **Be it therefore Enacted** *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That the ſaid Act, entitled *An* Act, *for granting to his Majeſty the ſeveral Duties and Impoſitions, on Goods, Wares and Merchandizes imported into this Colony, therein mentioned*; ſhall be, and hereby is further continued; and every Clauſe, Matter and Thing therein contained, enacted to be, and remain of full Force and Virtue, to all Intents, Conſtructions and Purpoſes whatſoever, from the ſaid firſt Day of *January* next, until the firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Fifty-Seven, incluſive.

Act continued.

CHAP. LXXIV.

An ACT *for the Relief of Inſolvent Debtors, with Reſpect to the Impriſonment of their Perſons in the Cities of* New-York *and* Albany.

Extended and continued by Chap. 105, Poſt.

Paſs'd the 22d December, 1755.

CHAP. LXXV.

29th GEORGE II 1756.

An ACT *to continue an Act, entitled, An* Act *for Regulating the Militia of the Colony of* New-York, *with ſome Additions thereto.*

See Chap. 51, ante. Continued by Chap. 103.

Paſs'd the 19th February, 1756,

WHEREAS an Act, entitled, *An* Act *for Regulating the Militia of the Colony of* New-York, paſſed in the Twenty-eighth Year of his Majeſty's Reign, will expire by its own Limitation on the Nineteenth Day of *February* next; and the ſame having been found highly uſeful;

I. **Be it Enacted** *by His Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That the ſaid Act, entitled, *An* Act *for Regulating the Militia of the Colony of* New-York,

29th GEORGE II. A. D. 1755.

New-York, ſhall be, and hereby is continued, and every Clauſe, Article, Matter and Thing therein contained, enacted to be and remain in full Force and Virtue, to all Intents, Conſtructions and Purpoſes whatſoever, from the ſaid Nineteenth Day of *February* next, until the firſt Day of *January*, which will be in the Year One Thouſand Seven Hundred and Fifty Seven.

Act continued.

II. AND whereas in and by the aforeſaid Act, it is provided and enacted, that the ſeveral Sums of Money to be paid by the People called *Quakers*, and thoſe of the Congregations of the *United Brethren*, for an Exemption from Military Service, ſhould be levied within three Months after the Publication of the ſaid Act; and many of the ſaid Sums not having been levied within the ſaid Time, it is now become doubtful whether the ſame can be now levied by Virtue of the ſaid Act: For clearing which Doubt, **Be it Enacted** *by the Authority aforeſaid*, That the ſeveral County Treaſurers for the Time being, ſhall be, and hereby are, authorized, impowered and ſtrictly required, within one Month after the Publication of this Act, to levy all the ſaid Sums, purſuant to the Directions of the ſaid Act; and in caſe any of the ſaid County Treaſurers ſhall neglect or omit to do the Duty hereby required of them, they ſhall reſpectively for each Offence forfeit and pay the Sum of *Twenty Pounds*, to be ſued for and recovered by the Treaſurer of this Colony, and applied for purchaſing Arms and Ammunition, for the Uſe of the County where the ſaid Forfeiture ſhall ariſe, under the Regulations contained and provided in and by the aforeſaid Act, any Thing in the ſaid Act to the contrary notwithſtanding.

Sums due from Quakers, &c. to be levied within one Month after the paſſing this Act.

Penalty.

III. **And be it further Enacted** *by the Authority aforeſaid*, That the ſeveral Certificates of the aforeſaid People, which are entered in the Clerk's Office, in any of the Cities or Counties of this Colony, purſuant to the aforeſaid Act, ſhall continue to each of the Perſons therein named, the ſeveral Exemptions contained in the ſaid Act; and the ſeveral and reſpective County Treaſurers, ſhall, within three Months after the Publication of this Act, levy the further Sum of *Twenty Shillings*, of and from each of the ſaid Perſons, according to the Directions and under the Penalties contained in the preceeding Clauſe, unleſs any of the ſaid Perſons ſhall deſire to withdraw their Certificates, in which Caſe the ſaid reſpective Clerks ſhall eraze the Name of ſuch Perſon or Perſons, and they ſhall be no longer intituled to the ſaid Exemption; and the ſaid Clerk ſhall immediately acquaint the Captains of the Diſtricts to whom the ſaid Perſons belong, of their withdrawing their Certificates, that the ſaid Captains may again call upon them for the Performance of Military Service; and in all Caſes where Certificates ſhall be entered in any of the Clerk's Offices of this Colony, during the Continuance of this Act, to intitle any of the ſaid People to the Exemptions of the aforeſaid Act, the ſaid Clerks ſhall, within one Month after every ſuch Entry, give the Treaſurer of the County where ſuch Entry ſhall be ſo made, an Account thereof; and the ſaid Treaſurer ſhall, within one Month after ſuch Account delivered to him, cauſe the ſaid ſeveral Sums to be levied in Manner aforeſaid; and every County Clerk or Treaſurer who ſhall omit to do their reſpective Duties hereby enjoined them, ſhall reſpectively forfeit the Sum of *Five Pounds*, to be recovered and applied as is herein before provided, with reſpect to ſuch County Treaſurers as ſhall neglect the Duty enjoined them by this Act.

The Entries in the Clerk's Books and Exemptions may be continued,

or withdrawn, &c.

IV. AND whereas the County of *Albany* is more expoſed to the Attempt of an Enemy from *Canada*, than any other Part of this Colony; and in caſe any Attack on that Quarter ſhould ſucceed, it might occaſion the Defection of the Six Nations of Indians; **Be it therefore Enacted** *by the Authority aforeſaid*, That the Colonel, or in his Abſence the next commanding Officer of

29th GEORGE II A. D. 1756.

of the Militia of the County of *Albany*, ſhall be, and he is hereby impowered and required, from time to time, to ſend out ſuch Detachments of Men, in their Turn, as he ſhall conceive neceſſary, to be employed as Out-Scouts or Rangers, the better to guard againſt being ſurprized by an Enemy, and to enable him to defeat their Deſigns: And the Perſon neglecting or refuſing to perform ſuch Duty, ſhall forfeit the Sum of *Five Pounds*, to be levied by Warrant from the ſaid Colonel, or next commanding Officer, and applied towards purchaſing of Arms for the Uſe of the Regiment: **Provided**, That no ſuch Detachments ſhall be employed at any one time longer than ſix Days.

Detachments may be ſent from the Militia of Albany as Out-Scouts.

CHAP. LXXVI.

An ACT *to enable Creditors more eaſily to recover their Debts from Joint-Partners.*

Paſs'd the 19th February, 1756.

WHEREAS Creditors are often put to great Trouble and Difficulty in recovering Debts due from Joint-Partners, the Proceeding to Outlawry againſt Perſons who cannot be taken by Proceſs, not being in Uſe in this Colony, and Doubts have ariſen, whether any one Joint-Partner is now compellable to anſwer for the Partnerſhip Debts, unleſs all are brought into Court; which many Times cannot be done: For Remedy whereof;

I. **Be it Enacted** *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame*, That all Perſons that now are, or hereafter ſhall be jointly indebted to any other Perſon or Perſons whatſoever, for any joint Contract, Obligation, Matter or Thing whatſoever, for which Remedy could or might be had at Law againſt ſuch Debtors, in caſe all were or could be taken by Proceſs iſſued out of the Courts of this Colony, ſhall be anſwerable to their Creditors ſeparately for ſuch Debts; *that is to ſay*, ſuch Creditor or Creditors ſhall and may iſſue Proceſs againſt ſuch joint Debtors, in the Manner now in Uſe; and in caſe any or either of ſuch joint Debtors ſhall be taken, and brought into Court by Virtue of ſuch Proceſs, he, ſhe, or they ſo taken and brought into Court, ſhall anſwer to the Plaintiff or Plaintiffs; and in caſe the Judgment paſs for the Plaintiff or Plaintiffs, he or they ſhall have his or their Judgment, and Execution againſt them that are brought into Court, and againſt the other joint Debtors named in the Proceſs, in the ſame Manner as if they had been all taken and brought into Court by Virtue of ſuch Proceſs. **Provided always**, That it ſhall not be lawful, by Virtue of this Act, to execute ſuch Execution againſt the Body, or Lands, or Goods, the ſole Property of any Perſon not brought into Court.

CHAP. LXXVII.

Repealed by Chap. 225.

An ACT *to enable the Aſſignees of Inſolvent Debtors more effectually to diſpoſe of the Eſtates of ſuch Debtors for the Benefit of their Creditors.*

Paſs'd the 19th February, 1756.

CHAP.

29th GEORGE II. A. D. 1756.

CHAP. LXXVIII.

An ACT *to oblige all Perſons that come to inhabit or reſide in the City of* Albany, *and Townſhip of* Schenectady, *in the County of* Albany, *in order to expoſe any Goods, Wares or Merchandizes to Sale, at any Time after the annual Aſſeſſments made for the neceſſary and contingent Charges of the ſaid City and Townſhip, to pay their juſt Proportions towards the ſame.*

Paſs'd the 19th February, 1756.

WHEREAS many Perſons having conſiderable perſonal Eſtates, frequently come to reſide in the City of *Albany*, and Townſhip of *Schenectady*, in the County of *Albany*, after the Aſſeſſments made and compleated for paying the neceſſary and contingent Charges of the ſaid City and Townſhip, who contribute nothing towards paying the ſame: For Remedy whereof;

I. Be it Enacted *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* Enacted *by the Authority of the ſame,* That the ſeveral and reſpective Aſſeſſors of the City of *Albany*, and Townſhip of *Schenectady* aforeſaid, for the Time being, ſhall, and they are hereby required, once in every Month after the ſaid Aſſeſſments made and compleated, until the Month of *December* then next following, to make diligent Enquiry in the reſpective Wards, in the ſaid City or Townſhip, for which they ſhall be choſen Aſſeſſors, for all Perſons who ſhall come to inhabit or reſide in their ſaid Wards or Townſhip, in order to expoſe any Goods, Wares or Merchandizes to Sale, and that have not been aſſeſſed in the ſaid Aſſeſſments, and ſhall demand of ſuch Perſon or Perſons ſo coming to inhabit or reſide therein, a juſt and true Account, upon the Oath or Affirmation of ſuch Perſon or Perſons, of the whole Amount or Value of all the Goods, Wares and Merchandizes which ſuch Perſon or Perſons ſhall bring into ſuch Ward or Townſhip; and that thereupon the ſaid Aſſeſſors of ſuch Ward or Townſhip ſhall rate ſuch Perſon or Perſons ſo coming into ſuch Ward or Townſhip, in the ſame Manner and Proportion as the other Inhabitants were rated; and that thereupon ſuch Aſſeſſors ſhall deliver in Writing under their Hands, to the Collectors of their reſpective Ward or Townſhip, who ſhall be appointed and impowered to collect the ſaid Charges, the Name and Sirname of ſuch Perſon or Perſons ſo coming into their reſpective Wards or Townſhip, with the whole Amount of the Goods, Wares and Merchandizes ſo by them brought into ſuch Ward or Townſhip, and ſworn or affirmed as aforeſaid, and the Sum ſuch Perſon or Perſons ſhall be rated at; which Sum or Sums of Money, ſuch Collectors are hereby reſpectively authorized and directed forthwith to collect, and pay the ſame unto the Treaſurer of the ſaid City or Townſhip reſpectively, to be by him applied towards paying the neceſſary and contingent Charges of the ſaid City or Townſhip reſpectively. Provided always, That none of the Perſons before mentioned, ſhall be liable to pay towards the Charges aforeſaid, any more or oftner than once within the Space of one Year; any Thing herein to the contrary notwithſtanding.

Aſſeſſors to make Monthly Enquiry, and demand an Account on Oath of all Goods, &c.

II. And be it Enacted *by the Authority aforeſaid,* That every Perſon and Perſons, who ſhall come to inhabit or reſide in any of the Wards or Townſhip aforeſaid, in order to expoſe any Goods, Wares and Merchandizes to Sale as aforeſaid, after the ſaid Aſſeſſment made as aforeſaid, and ſhall refuſe, neglect or delay to deliver to the Aſſeſſors of ſuch Ward or Townſhip, when thereunto

Penalty on Perſons refuſing to give an Account of their Goods, &c.

29th GEORGE II A.D. 1756.

thereunto by them required, a juſt and true Account upon his or her Oath or Affirmation, of the whole Amount or Value of all the Goods, Wares and Merchandizes ſo by him or her brought into ſuch Ward or Townſhip, ſhall forfeit and pay to the Treaſurer of the City, or Treaſurer of the Townſhip reſpectively, for the Uſe of the ſaid City or Townſhip reſpectively, the Sum of *Five Pounds*, current Money of this Colony; and if not paid within Six Days after Demand made, to be recovered by Action of Debt, Bill, Plaint or Information, within any Court of Record within this Colony, wherein no Eſſoin, Protection, Wager of Law, or more than one Imparlance ſhall be allowed.

Penalty on Aſſeſſors neglecting their Duty.

III. **And be it Enacted** *by the Authority aforeſaid*, That every Perſon who ſhall hereafter be choſen Aſſeſſor in the ſaid City or Townſhip, and ſhall neglect or refuſe to do what is required of them by this Act, ſhall forfeit and pay the Sum of *Five Pounds*, current Money of this Colony, to be recovered, paid, and applied as aforeſaid.

CHAP. LXXIX.

An ACT *to eſtabliſh the Rates to be taken for Wharfage of Ships and other Veſſels, uſing the Wharfs therein mentioned, and the Rates to be taken for Cranage within the City of* New-York; *and for repealing the Acts therein mentioned.*

Paſs'd the 19th February, 1756.

WHEREAS it hath been found by Experience, that the ſeveral Wharfs called *Burnet's-Key*, the Wharf between the Great Slip and *Coenties* Dock, and the Wharf between the Smith's Fly Slip and *Burling's* Slip, all fronting to the Eaſt River, or Harbour of the City of *New-York*, have been greatly ſerviceable, and very much conduced to the Eaſe, Benefit, Increaſe and Advantage of Trade and Navigation, to and from the ſaid City, in the Lading and Unlading of Ships and other Veſſels; and foraſmuch as the Owners and Proprietors thereof have been at a very great Expence, not only in the making, erecting and building, but alſo in maintaining and keeping the ſame from time to time in good and ſufficient Repair, to anſwer the Purpoſes aforeſaid; and that the ſame, as well as all other free Wharfs within the ſaid City, tending to the Advancement of Trade, ought to meet with due and proper Encouragement, for their Maintenance and Support: And whereas the Laws heretofore made, for eſtabliſhing the Rates to be taken for the Wharfage of Ships, and other Veſſels, uſing the ſaid Wharfs, have not ſo fully anſwered all the good Purpoſes thereby intended, in ſecuring to the Proprietors of the ſaid Wharfs the free Uſe and Enjoyment thereof, and of the Profits that might and ought to ariſe thereby, in ſo beneficial a Manner as the ſame might be done; nor hath any Proviſion been heretofore made for ſettling and eſtabliſhing the Rates of Cranage within the ſaid City: And whereas the Owners and Proprietors of one other free Wharf in *Montgomerie* Ward of the ſaid City, alſo fronting the ſaid Eaſt River or Harbour of the ſaid City, extending in Length from the Lot of *Robert Livingſton*, Eſq; to the Eaſt End of the Lot of *James Deſbroſſes*, as alſo the Owners and Proprietors of one other free Wharf between the Slips called *Rodman's* Slip and *Burling's* Slip, in the ſaid *Montgomerie* Ward, by their ſeveral Petitions preſented to the General Aſſembly, have humbly prayed, that they may be intitled to the ſame, and the like Fees, for

for Wharfage, as any other Keys or Wharfs in the ſaid City now are or may be entitled to; and have moreover prayed, that the Rates for Cranage might be alſo ſettled and eſtabliſhed: Which being conceived reaſonable;

I. **Be it therefore Enacted** *by His Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That it ſhall and may be lawful to and for the preſent Owners and Proprietors of the ſaid Five before-mentioned ſeveral Wharfs, or the Owners or Proprietors thereof for the Time being, ſo far as the ſame do front the Eaſt River, to aſk, demand, take and receive, to and for their ſeveral and reſpective Uſe and Uſes, for all Ships and Veſſels uſing, or that ſhall uſe the ſame, from and immediately after the Publication of this Act, the Wharfage and Rates following, *That is to ſay*; For each Ship, Brigantine, Schooner, or other Veſſel, of Sixty Tons or upwards, whilſt careening, loading and unloading, at either of the ſaid Wharfs, every Day, the Sum of *Six Shillings*, current Money of this Colony. For each ſuch Veſſel not loading, unloading or careening, but lying faſt to either of the ſaid Wharfs, leſs than One Week, after the Rate of *Two Shillings* for each Day: For every Day more than a Week, *One Shilling and Six Pence* for each Day.

Wharfage for Veſſels upwards of 60 Tons.

II. **Be it further Enacted,** That every Ship or other Veſſel, which at any Time after the Publication of this Act, ſhall only lie faſt to any or either of the ſaid Wharfs, ſhall be obliged to move off from thence, in order to make Room for, and ſuffer any other Ship or Veſſel to load, unload or careen thereat; and on Refuſal or Failure ſo to do, after Notice and Requeſt thereof to the Maſter or Commander, or to any one of the Owner or Owners of ſuch Ship or other Veſſel, or either of them, he or they ſhall pay for the Uſe of the ſaid Wharfs, from the Time of ſuch Notice and Requeſt, the ſame and the like Rates as ſuch Ship or Veſſel would have paid, which was really and *bona fide* intended to be loaden, unloaden or careened there.

Veſſels only lying at a Wharf to give Room to others wanting to unload, &c.

III. **Be it further Enacted,** That all and every Ship or other Veſſel, that ſhall make faſt to any other Ship or Veſſel that is, are, or ſhall be faſtned to any or either of the Wharfs aforeſaid, and ſhall continue ſo to lie faſtned, or ſhall ſo load, unload or careen, ſhall be ſubject and liable to pay, and ſhall pay the one half Part of the Rates that ſuch Ship or other Veſſel ſo faſtned, ſhould and would have been liable to pay, in caſe ſhe were faſtned to any or either of the ſaid Wharfs, and there loaded, unloaded or careened.

Or pay the full Wharfage.

IV. **And be it further Enacted** *by the Authority aforeſaid,* That all Ships and other Veſſels under the Burthen of Sixty Tons, and of Twenty-five Tons and upwards, ſhall pay for lying faſt, and for loading, unloading and careening, one half Part of the Rates, for the Purpoſes herein before mentioned; and all Veſſels under Twenty-five Tons, for lying faſt, or loading, unloading or careening, one fourth Part of the Rates, for the Purpoſes herein before mentioned.

Wharfage for Veſſels between 60 and 25 Tons.

V. **And be it further Provided and Enacted,** That all Coaſting Veſſels lying faſt at any or either of the ſaid Wharfs, and not being actually loading, unloading or careening, ſhall, on Requeſt, make looſe and move off, to make Room for, and ſuffer any Sea-Veſſel or Veſſels, paying a higher Rate, to come in her and their Place and Places; and that on Neglect or Refuſal ſo to do, the Maſter, Commander or Owner of every ſuch Coaſting Veſſel or Veſſels, ſhall pay ſuch Rate and Rates as the Sea Veſſel or Veſſels would have been liable to pay, which really and *bona fide* was or were intended to be loaded, unloaded or careened there.

Coaſting Veſſels to give Room to Sea Veſſels.

VI.

29th *GEORGE* II A. D. 1756.

Cranage to be taken.

VI. **And be it further Enacted** *by the Authority aforesaid,* That it shall and may be lawful to and for the Owner and Owners respectively, of every Crane that now is or are, or hereafter shall be made, erected and built on any or either of the Wharfs aforesaid, or on any Part thereof, fronting to the East River or Harbour of the said City, to ask, demand, take and receive, to and for his, her and their several and respective Use and Uses, from the Master, Commander or Owners of all Ships and other Vessels, that shall use or employ such Crane or Cranes, the Rates following, *That is to say,* For taking out and putting in the Mast of any Ship or other Vessel the Sum of *Thirty Shillings*; For taking out or putting in the Mast of any Ship or other Vessel, the Sum of *Twenty Five Shilings*, current Money aforesaid.

A Wharfinger may be appointed

VII. And whereas it may be difficult, as well as inconvenient, for the Owners and Proprietors of the several Wharfs aforesaid, personally to attend, collect and receive the Rates due, and to grow due, for Wharfage of Ships and other Vessels; **Be it therefore Enacted** *by the Authority aforesaid,* That it shall and may be lawful to and for the Owners and Proprietors of the said Wharfs for the Time being, or the major Part of them respectively, from Time to Time, to depute and appoint, either one of their own Number, or some other proper and fit Person, to be the Wharfinger or Overseer thereof, for and during their Will and Pleasure; and shall and may at their like Will and Pleasure, displace and remove such Person or Persons so to be chosen and appointed, other and others in his and their Room and Stead, when, and as often as to them shall seem meet to appoint; and such Person so to be appointed Wharfinger, shall, while he continues in that Office, have the Power of ordering and regulating of the Wharf he shall be so appointed for as aforesaid, and of the Births of all such Ships and other Vessels, as shall load, unload, careen, or fastento the same; and moreover, shall have full Power and Authority, either in his own Name, or in the Names of the Owners and Proprietors of the said Wharfs, to ask, sue for, demand, and receive the Wharfage thereof, as it shall become due.

Incumbrances may be removed.

VIII. And whereas the Wharfs aforementioned, are often so incumbered by Lumber, Millstones, or other Merchandize, that by Means thereof the Loading and Unloading of Vessels is very much incommoded, and the passing and repassing of Carts and Carriages is very much impeded, retarded, and hindered; **Be it therefore Enacted** *by the Authority aforesaid,* That if any or either of the said Wharfs, shall, at any Time or Times hereafter, be so incumbered as to subject the same to any or either of those Inconveniences, the Wharfinger of such Wharf and Wharfs respectively for the Time being, shall either personally warn, or by Notice in Writing to be left at the Place of Residence of the Owner or Owners of such Lumber or other Goods, their Factor or Factors, require him or them to remove the same from thence within a reasonable Time; and if the same shall not be removed accordingly, the Wharfinger is hereby impowered to remove the same, and keep them in his Custody till the whole Charges attending the Removal be paid by the Owner, or Claimer of such Goods; and in case the Owner or Factor is not to be found, the Wharfinger shall and may, at his Discretion, remove the said Goods, as before directed.

The Rights of the Corporation saved.

IX. **Provided also, and be it Enacted** *by the same Authority,* That nothing herein contained, shall impair the Right which the Mayor, Aldermen and Commonalty of the City of *New-York,* have to the Dock and the several Slips herein before-mentioned, but the same shall be saved to them and their Successors, as fully as if this Act had not passed.

X. And

29th GEORGE II A. D. 1756.

X. **And be it Enacted** *by the Authority aforesaid*, That the Act entitled, *An* † *Act to eſtabliſh the Rates to be taken for Wharfage of Ships and other Veſſels uſing the three Wharfs therein mentioned*; and one other Act, entitled * *An* Act; *to continue an Act, entitled, An* Act *to eſtabliſh the Rates to be taken for Wharfage of Ships and other Veſſels uſing the three Wharfs therein mentioned:* And every Clauſe and Article therein contained ſhall be, and the ſame is and are hereby repealed, anulled, and made void, to all Intents and Purpoſes whatſoever; any Thing to the contrary hereof in any wiſe notwithſtanding.

† 1 Vol. Ch. 784.
* Chap. 31, ante.

Continuation.

THIS Act to be and continue of Force from and after the Publication, until the firſt Day of *January*, which will be in the Year One Thouſand Seven Hundred and Seventy.

CHAP. LXXX.

An ACT *for the better clearing, mending and further laying out publick High-Roads and others, in the County of* Ulſter.

Paſs'd the 19th February, 1756.

ALTHOUGH all or moſt of the publick High-Ways are already laid out and aſcertained in the County of *Ulſter*, it may, nevertheleſs, be neceſſary to lay out other High-Roads in the ſaid County, for the Conveniency of Carriage and Travellers.

I. **Be it therefore Enacted** *by His Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame*, That the Perſons herein after named, ſhall be and hereby are appointed Commiſſioners to regulate the High-ways, and lay out ſuch other publick Roads as may ſtill be neceſſary within the ſaid County of *Ulſter*; and they and each of them, are hereby fully authorized and impowered, to put in Execution the ſeveral Services intended by this Act, in ſuch Towns and Precincts only for which they ſhall be reſpectively named and appointed; *That is to ſay*,

Commiſſioners appointed to lay out High Roads.

For the Townſhip of the Corporation of *Kingſton*, Mr. *Charles Broadhead*, *Cornelius Van Beuren*, and *Johannes Snyder*, junior.

For the Townſhip of *Hurley*, *Dirck Wynkoop*, Eſquire, Mr. *Anthony Creſpel*, and Mr. *Matthias Lafever*.

For the Townſhip of *Marbletown*, Mr. *Peter Cantine*, Captain *Daniel Broadhead*, and Mr. *Johannes De Witt*.

For the Townſhip of *Rocheſter*, *Egbert De Witt*, Eſquire, Mr. *Jacobus De Pue*, and Mr. *Jacob Hoornbeeck*.

For the Townſhip of the *New-Paltz*, and the Neighbourhood thereunto belonging, Mr. *Daniel Haſbrouck*, Mr. *Abraham Dejo*, and *Cornelius Du Bois*, Eſquire.

For the Precinct of *Shawangonck*, Mr. *Jacobus Bruyn*, Capt. *Benjamin Smedes*, and Mr. *Iſaac Haſbrouck*.

For the Precinct of the *Wallkill*, Mr. *Johannes Miller*; Capt. *Johannes Newkerck*, and Mr. *Andrew Greames*.

For the Precinct of the *Highlands*, Captain *Thomas Elliſon*, Capt. *Jonathan Haſbrouck*, and Mr. *Patrick M'Claghry*.

For the Precinct of *Mamekating*, Mr. *Daniel Gonſalus Dake*, Mr. *Peter Giemare*, and Mr. *Philip Swartwout*.

29th GEORGE II A. D. 1756.

II. **And be it Enacted** *by the Authority aforeſaid*, That the Commiſſioners, or the major Part of them, in the reſpective Places for which they are named and appointed Commiſſioners, are hereby impowered and authorized to regulate the Roads already laid out, and lay out ſuch other publick High-Roads in the ſeveral Places for which they are appointed Commiſſioners, as to them, or the major Part of them ſhall ſeem neceſſary and convenient; and if Need be, to take a Review of the Roads already laid out; and ſuch of them as ſhall appear to be really inconvenient, the ſaid Commiſſioners ſhall and may alter the ſame; *Provided*, all the Commiſſioners appointed for the Place judge it abſolutely neceſſary, and lay out ſuch other publick Ways or Roads, as they or the major Part of them ſhall think moſt convenient, as well for Travellers as for the Inhabitants of the next adjacent Towns, Precincts, Villages or Neighbourhoods. **Provided**, That nothing in this Act contained, ſhall extend, or be conſtrued to impower the Commiſſioners aforeſaid, to alter any Road that is already commodious, nor to lay out any Roads thro' incloſed or improved Lands, without Conſent of the Owner or Owners thereof, or paying to them the true Value of the Lands ſo laid into an High-way. And if any Diſpute ſhall ariſe by that Means, the ſame ſhall be determined, and the true Value ſet and appraiſed by two Juſtices of the Peace, and by the Oaths of ſix of the principal Freeholders of the Neighbourhood, not having any Intereſt in the Lands about which ſuch Diſpute may ariſe: The ſaid Freeholders to be ſummonded by the Conſtable of the Town, Manor or Precinct where ſuch Diſpute ſhall ariſe, by Virtue of a Warrant to be iſſued by the ſaid two Juſtices for that Purpoſe. And if ſaid Roads by the Commiſſioners ſo laid out, ſhall be publick Roads, and of publick and general Benefit, then the Value of ſuch cleared and improved Lands, through which the ſaid Roads ſhall be laid out, ſhall be a publick County Charge; and the Supervizors of ſaid County, are hereby directed to allow the ſame, together with the Charges of calling a Jury, their Verdict, and the whole Proceedings thereon had. But if Roads ſo laid out ſhall be private Roads, and for the particular Conveniency of one or more Diſtricts, Townſhip or Neighbourhood, then ſuch private Perſons, Townſhips, Diſtricts or Neighbourhoods, requiring the ſame, ſhall defray the whole Charge of the Value of the ſaid cleared or improved Lands, to be paid to the Perſon or Perſons injured, and through whoſe cleared Lands a private Road ſhall be laid, together with the Wages of the Commiſſioners, the Charge of calling the Jury, and of their Verdict, and of the whole Proceedings thereon had.

Who may lay out new, or and alter old Roads.

III. **And be it further Enacted** *by the ſame Authority*, That if any Perſon or Perſons within the ſaid County, do, or hereafter ſhall, without the Conſent of the Commiſſioners, or the major Part of them, for the Town or Place for which they are by this Act appointed Commiſſioners, alter, ſtop up, or leſſen, any High-way or Road that has been heretofore laid out by former Commiſſioners according to Law, or ſhall hereafter be laid out by the Commiſſioners named in this Act; ſuch Perſon or Perſons ſo offending, contrary to the Meaning of this Act, ſhall, for every ſuch Offence, forfeit the Sum of *Forty Shillings*; to be recovered before any Juſtice of the Peace, upon the Oath of any one Witneſs, and levied by Warrant from any Juſtice of the Peace, directed to the Conſtable of the Town or Place where ſuch Offence is committed, by diſtraining the Goods and Chattels of the Offenders; and the ſaid Conſtable, after ſix Days publick Notice is given by him of ſelling the ſaid Diſtreſs, ſhall make Sale thereof, and out of the Produce, pay the ſaid Forfeiture and Charges, and return the Overplus, if any there be, to the Owner or Owners; which ſaid Forfeiture of *Forty Shillings*, ſhall be applied by the Surveyor of the High-ways, for and towards repairing the publick Roads and Bridges, within the Town or Precinct where ſuch Forfeiture ſhall ariſe.

No Road to be alter'd or ſtopt up without the Conſent of the major Part of the Commiſſioners.

IV. **And**

IV. **And be it Enacted** *by the ſame Authority*, That all publick Roads that ſhall be laid out by the Commiſſioners, ſhall be of the Breadth of Four Rods, except through Meadow or improved Lands.

Breadth of publick Roads,

V. **And be it further Enacted** *by the Authority aforeſaid*, That if any common publick Road or High-way, ſhall be laid through any Meadows, improved Ground or Corn-Fields, the Breadth of the ſaid Road ſhall be left to the Diſcretion of the Commiſſioners, or the major Part of them, for the Town or Precinct where ſuch Road ſhall run as aforeſaid: **Provided**, The Breadth of ſuch Road ſhall not exceed Twenty Feet.

or Roads thro' improved Lands, &c.

VI. **And be it further Enacted** *by the ſaid Authority*, That the Inhabitants of the reſpective Towns or Precincts, by and through which any common publick High-ways or Roads have or ſhall run, or be hereafter aſcertained or laid out, ſhall be, and hereby are, obliged to clear and maintain the ſame, by cutting and ſtubbing up the Bruſh, and lopping off the Limbs of the Trees that hang over the ſaid Roads, the Breadth of Two Rods, and pulling up the Stones that can be moved, and to carry them out of the Roads, at leaſt the Breadth of one Rod: And ſo often as they or any of them, ſhall have Notice from any of the reſpective Commiſſioners, Surveyors or Overſeers of the High-ways for the Time being, they ſhall, in their Turns, either by themſelves, or by able Slaves or Servants, clear, level and amend the High-ways, not exceeding Six Days in the Year, under the Penalty of *Three Shillings* for each Day every Perſon or Perſons ſhall neglect or refuſe ſuch Service; to be levied by the Conſtable in each Town or Precinct, by Diſtreſs and Sale of ſuch Offender's Goods and Chattels, by Warrant from the Overſeers or Surveyors of the High-ways for the Time being, in each reſpective Town or Precinct where ſuch Offence ſhall be committed, returning the Overplus of ſuch Sale (if any be) to the Owner or Owners, the Conſtable being firſt paid for his Pains and Trouble, out of the Diſtreſs and Sale as is uſual in other Caſes. **Provided**, That nothing in this Act contained, ſhall be conſtrued to impower the reſpective Commiſſioners, Surveyors, or Overſeers of the High-ways for the Time being, during the Continuance of this Act, to compel the Inhabitants of the Towns and Precincts through which Part of a Road is laid out, by Virtue of an Act of Aſſembly, entitled * *An* Act, *for the better perfecting and compleating a publick common High-way through the County of* Ulſter; paſſed in the ſecond Year of his Majeſty's Reign; *that is to ſay*, from *Juffrouw's Hook*, ſo on to the Northward, as far as the *Round-out-Creek*, or *Common Landing*, otherwiſe than making that Part of the ſaid Road fit for Travellers on Horſeback, and marking the Trees where neceſſary.

How the Roads laid out are to be cleared.

And kept in repair.

* Chap. 526, Vol. 1.

VII. **Provided always, and it is hereby further Enacted** *by the Authority aforeſaid*, That all Trees ſtanding or lying in any Perſon's Land, through which any common publick High-way or Road is or ſhall be laid out, be for the proper Uſe of the Owner or Owners of the ſame; but the Owners ſhall not hinder the Surveyor or Surveyors of the High-ways from making uſe of ſo much Timber ſtanding or lying on that Road, as will amend the ſaid High-way or Bridges leading through that Land.

What Trees may be uſed for mending Roads.

VIII. **And be it further Enacted** *by the Authority aforeſaid*, That if the Overſeers of the High-ways and Roads ſhall think fit, and have Occaſion of any Team, Cart or Waggon, and a Man to manage the ſame, the ſaid Team, Cart or Waggon ſhall be eſteemed to be for, in lieu and inſtead of two Days Work of one Man, and the Fine to be proportionable; *that is*, double to the Fine to be impoſed for the Neglect of one Perſon; and every working Man ſhall

Teams in lieu of two Days Work of a Man.

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ſhall be obliged to bring ſuch Tools, as Spades, Axes, Crows, Pick-Axes or other Utenſils, as ſhall be directed by the Overſeers of the High-ways.

Commiſſioners dying or refuſing to act, others to be appointed.

IX. **And be it further Enacted** *by the ſaid Authority*, That if any of the Commiſſioners herein appointed, ſhall neglect, refuſe or delay to put the ſeveral Clauſes in Execution, which are mentioned and expreſſed as their Duty in this Act, if thereunto repuired, or ſhall happen to die, remove out of the Town or Precinct for which he or they is or are appointed Commiſſioners, it ſhall and may then be lawful for the Freeholders and Inhabitants of any ſuch Town or Precinct, where it may happen, to chuſe and elect, at their annual Election, by Plurality of Voices, in his or their ſtead, another Commiſſioner or Commiſſioners, in ſuch Place or Places where ſuch Refuſal, Neglect, Death or Removal ſhall ſo happen, and the Name or Names ſhall be tranſmitted by the Conſtable of ſuch Town or Precinct where it ſhall ſo happen, to the Clerk of the Peace for ſaid County; and the Commiſſioner or Commiſſioners ſo elected, ſhall be under the ſame Reſtrictions, and have the ſame Powers and Authorities as thoſe named and appointed by this Act.

Their Proceedings to be recorded.

X. **And be it Enacted** *by the Authority aforeſaid*, That the Commiſſioners of each reſpective Town or Precinct for which they are reſpectively appointed, ſhall, from Time to Time, during the Continuance of this Act, enter in Writing, all High-ways or Roads by them laid out, altered or ſtopp'd up, and ſign the ſame by putting their Names thereto, and cauſe the ſame to be entered in the County Records by the Clerk of the Peace, who is hereby directed and required to record the ſame: And whatſoever the ſaid Commiſſioners ſhall do, according to the Powers given them by this Act, being ſo entered in the County Records, ſhall be deemed valid and good, to all Intents and Purpoſes whatſoever.

Commiſſioner's Wages.

XI. **And be it Enacted** *by the Authority aforeſaid*, That each Commiſſioner appointed, or hereafter to be elected by Virtue of this Act, ſhall have and receive a Sum not exceeding *Six Shillings* each Day, as a Reward for his or their Care and Trouble, in laying out or regulating the High-ways in the reſpective Towns or Precincts for which they are ſeverally appointed.

The Surveyors to warn and ſet People to work on the Roads.

XII. **And be it Enacted** *by the ſame Authority*, That upon the ordering of any one or more of the Juſtices of the Peace, or any one or more of the Commiſſioners within the Town or Precinct for which he or they are appointed as aforeſaid, the Surveyor or Surveyors of the Town or Precinct ſhall, within four Days thereafter, warn and ſet to Work the reſpective Inhabitants, to mend and repair the King's Roads and Bridges, which by Law and Cuſtom they are obliged to repair. And if any of the Surveyors ſhall neglect or refuſe to warn and ſet to work the Inhabitants as aforeſaid, and ſee the ſaid Roads, Bridges and High-ways amended and repaired; ſuch Surveyor or Surveyors, ſhall, for every ſuch Neglect or Refuſal, forfeit and pay a Fine of *Forty Shillings*; to be adjudged by, and recovered before any one of his Majeſty's Juſtices of the Peace for ſaid County, upon the Oath of any one Witneſs, or on the View of any one of the Commiſſioners, within his or their Diſtrict, in the common and uſual Method; which Fine ſhall be applied towards repairing the ſaid High-ways in ſuch Town or Precinct wherein the ſame did ariſe.

Diſtance of Waggon-Wheels.

XIII. **And be it further Enacted** *by the Authority aforeſaid*, That all Waggons which ſhall be uſed in any of the High-ways in the County of *Ulſter*, ſhall be ſo made, that the Space between the Rut or Track which they ſhall make, ſhall be from the Outſide of the one Wheel to the Outſide of the other Wheel,

Wheel, (and the ſaid Wheels muſt ſtand abreaſt on the Axel-tree) four Foot and ten Inches, Engliſh Meaſure, and no more or leſs, upon Penalty of *Twenty Shillings*, current Money of this Colony; to be recovered before any one of his Majeſty's Juſtices of the Peace, where the Fact ſhall happen to be committed, at the Suit, and to the Profit, of him or them that ſhall inform and ſue for the ſame. **Provided**, That all Perſons ſubjected by this Act, to any of the Penalties or Forfeitures on Default therein mentioned, ſhall be legally ſummoned to appear and be heard, before Judgment given.

XIV. **Provided always, and it is hereby further Enacted** *by the Authority aforeſaid*, That where the Inhabitants of a ſmall Neighbourhood or Plantation ſhall deſire to have a publick Road laid out, the Commiſſioners aforeſaid, ſhall not be allowed to lay out ſuch and ſo many Roads as the ſaid Inhabitants may be deſirous to have, but only one publick Way leading from ſuch Neighbourhood or Plantation to the neareſt publick Way or Landing-Place, from whence they can travel or tranſport Goods to other Towns or Landing-Places. And where it ſhall be neceſſary to lay out a Road from one Diſtrict, as they are in this Act joined, to another Diſtrict, the Commiſſioners of both Towns, or Precincts, or Places, are to meet together, and conſult where ſuch Road can be laid in the beſt and ſtreighteſt Manner, and to lay out the ſame accordingly, to the End ſuch Roads may not only correſpond with each other, but be laid out and carried on in the moſt convenient and ſhorteſt Manner the Nature of the Land will allow.

Only one Road may be laid out in ſmall Neighbourhoods,

or where two Diſtricts join.

XV. **And be it further Enacted** *by the ſame Authority*, That it ſhall and may be lawful for any Perſon or Perſons, to hang good eaſy ſwinging Gates in the ſaid County, on ſuch High-Roads and private Ways, as the Commiſſioners, or the greater Number of them ſhall think fitting, ſuch Perſon or Perſons keeping the ſame in good and ſufficient Repair at their own Coſts and Charges.

Where ſwinging Gates may be hung.

XVI. **And be it further Enacted** *by the Authority aforeſaid*, That the Commiſſioners appointed by Virtue of this Act, for the Townſhip of the *New-Paltz*, are hereby fully impowered to take a Review of the ſwinging Gates on the publick Roads, that lead through any of the improved Lands or Corn-Fields, of the Freeholders and Inhabitants of ſaid Townſhip of the *New-Paltz*: And if the ſaid Commiſſioners, or the major Part of them, ſhall judge it neceſſary to remove any or all the ſaid Gates, to any other Place or Places on the ſaid Roads, where the ſaid Gates may be more conveniently placed, as well for Travellers, as for the making of their circular Fences, the ſaid Commiſſioners are hereby impowered and authorized to remove the ſame accordingly. And if any Perſon or Perſons, that, at any Time during the Continuance of this Act, paſs or repaſs through any ſwinging Gate or Gates that ſhall be allowed by the ſaid Commiſſioners, and ſhall not ſhut the ſame, ſhall, for every ſuch Neglect or Offence, forfeit the Sum of *Twenty Shillings*, to be recovered before any one of his Majeſty's Juſtices of the Peace for ſaid County, in the ſame Manner as other Fines are directed to be recovered by this Act.

Gates in New-Paltz Townſhip to be reviewed.

XVII. **And be it Enacted** *by the Authority aforeſaid*, That this Act ſhall be and remain of Force, from the firſt Day of *January*, One Thouſand Seven Hundred and Fifty Six, to the firſt Day of *January*, One Thouſand Seven Hundred and Sixty Six,

Continuation.

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CHAP. LXXXI.

An ACT *to enable the Inhabitants of* Ulſter *County, to elect and chuſe Surveyors of the High-ways in the ſaid County, and to repeal a certain Section of an Act therein mentioned.*

* The laſt Section of Chap. 751, Vol. 1

Paſs'd the 19th February, 1756.

I. BE it Enacted *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* Enacted *by the Authority of the ſame,* That the Freeholders and Inhabitants of each reſpective Town, Precinct or Diviſion, within the County of *Ulſter*, ſhall be, and hereby are, authorized and impowered, at their annual Meetings for electing Town-Officers, to chuſe and elect at the ſame Time, ſo many Perſons to be Surveyors of the High-ways in each reſpective Town, Precinct or Diviſion, as the Majority of the Freeholders and Inhabitants of each reſpective Town, Precinct or Diviſion, of the ſaid County then met, ſhall judge neceſſary, for the overſeeing, mending and keeing in Repair the ſeveral High-ways in the reſpective Towns, Precincts or Diviſions, for which they ſhall be elected and choſen, in Manner aforeſaid.

Surveyors of High-ways to be elected.

II. And be it further Enacted *by the Authority aforeſaid,* That if any Diſpute ſhall ariſe between the reſpective Surveyors aforeſaid, concerning which High-way, or Part of any High-way, they or any of them are to mend and keep in Repair, and how many Men they are to direct to amend or repair any ſuch High-way or Part thereof, the ſame ſhall be determined by the Commiſſioners appointed by Law to lay out High-ways in each reſpective Town, Precinct or Diviſion in the County aforeſaid, and by two Juſtices of the Peace, living in the next Town, Precinct or Diviſion where the Diſpute ſhall happen, who are hereby impowered and directed to determine the ſame, and to give or iſſue an Order under their Hands and Seals, to the Surveyor or Surveyors of their reſpective Towns, Precincts or Diviſions; which High-way or Part thereof, he or they ſhall amend and repair, together with the Number of Perſons ſuch Surveyor or Surveyors of the High-ways are to direct for keeping ſuch High-way, or Part thereof, in Repair.

If Diſputes ariſe among Surveyors, how determined.

III. And be it Enacted *by the Authority aforeſaid,* That the Seventeenth, or laſt Section of one certain Act, entitled, *An* Act *to divide the Southern Part of the County of* Ulſter *into Precincts, and to enable the Corporation of* Kingſton, *and the Manor of* Foxhall, *to chuſe and elect one Supervizor more, and for regulating the Supervizors and Aſſeſſors within the ſaid County,* paſſed in the Seventeenth Year of his Majeſty's Reign, ſhall be, and hereby is repealed, and every Matter and Thing in the ſaid Section contained, rendered void, and of none Effect.

Section of an Act repealed.

CHAP.

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CHAP. LXXXII.

An ACT *for the further explaining and rendering more effectual the two Acts therein mentioned, ſo far as they relate to the City of* New-York.

See Chap. 36, and Chap. 146. Vol. 1.

Paſs'd the 19th February, 1756.

[The firſt Act recited in this Act as paſſed in the fifth Year of *William* and *Mary*, was enacted in the Sixth Year of that Reign.]

WHEREAS in and by an Act, made and paſſed in the Fifth Year of the Reign of King *William* and Queen *Mary*, entitled, *An* Act *for ſettling a Miniſtry, and raiſing a Maintenance for them, in the City of* New-York, *County of* Richmond, Weſtcheſter, *and* Queens *County*, it is provided and enacted, among other Things, that a Roll of the Tax to be raiſed for the Purpoſes in the ſaid recited Act mentioned, ſhall be delivered into the Hands of the reſpective Conſtables of the ſaid City, Counties, Pariſhes and Precincts therein mentioned, and ſigned by any two Juſtices of the Peace, impowering him or them to levy the ſaid Tax; and upon Refuſal, to diſtrain and ſell by public Out-cry, and pay the ſame into the Hands of the Church-Wardens: And it is therein and thereby further provided and enacted, that if the ſaid Conſtables, or any of them, fail of their Duty herein, they ſhall reſpectively forfeit *Five Pounds* current Money of *New-York*. And whereas in and by another Act, made and paſſed in the Fourth Year of the Reign of Queen *Anne*, entitled, *An* Act *for the better explaining and more effectually putting in Execution an Act of the General Aſſembly, entitled, An* Act *for ſettling a Miniſtry, and raiſing a Maintenance for them in the City of* New-York, *County of* Richmond, Weſtcheſter *and* Queens *County*; it is enacted, That all and ſingular the Fines, Penalties and Forfeitures mentioned in the ſame Act, ſhall be recovered before any of his Majeſty's Juſtices of the Peace for the reſpective Counties for the Time being, where ſuch Penalties ſhall be incurred: Notwithſtanding which, no particular Proviſion is made, nor Power given, or Method preſcribed, in Caſe where the Conſtables having had the Tax Roll delivered unto them, and have been remiſs in collecting, or having collected the ſame, have refuſed or delayed to pay the Monies by them collected into the Hands of the Church-Wardens, as by the firſt above recited Act is directed. In Order therefore, the more effectually to prevent the Neglect or Remiſſneſs in Conſtables for the future, in the City of *New-York*, and to compel them to collect and pay ſuch Sum and Sums of Money, as ſhall hereafter be laid and aſſeſſed on the ſaid City and County, for the Uſes, Ends and Purpoſes in the aforeſaid recited Acts, or either of them, mentioned and expreſſed;

I. **Be it Enacted** *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame*, That if any Conſtable or Conſtables of the ſaid City and County of *New-York*, to whom the Roll for collecting the Taxes, in Virtue of the above recited Acts, or either of them, ſhall not collect, or having collected the Monies in ſuch Roll or Rolls aſſeſſed or ſet down, and ſhall neglect, refuſe or delay to pay the Amount or total Sum in ſuch Roll or Rolls mentioned, except retaining in his or their Hands ſo much Money, as in the above recited Act or Acts, for his and their collecting, receiving and paying, is allowed, and alſo, ſo much as by a Committee of the Juſtices and Veſtrymen ſhall be allowed for poor and inſolvent Debtors; and that on or before the Twenty-fifth Day of *March*

Conſtables in the City of New-York, delaying to pay in their Tax-Rolls, to be proſecuted.

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March next, enſuing the Publication hereof, and ſo on or before every Twenty-fifth Day of *March* for ever hereafter; then and in either of ſuch Caſe, it ſhall and may be lawful, and the Church-Wardens of the City and County of *New-York* aforeſaid, are hereby ſtrictly commanded and required, to apply to the Mayor or Recorder, and one or more Aldermen, who are hereby reſpectively authorized and impowered, in a ſummary Way, to hear, try and determine the ſame; and upon Conviction, the Sum ſo unpaid by ſuch Conſtable or Conſtables reſpectively, ſhall be raiſed and levied on the Goods and Chattels of the Offender or Offenders, by Warrant under the Hands and Seals of the Magiſtrates before whom ſuch Offender or Offenders ſhall be convicted; and if no Goods or Chattels ſhall be found on which to diſtrain, it ſhall and may be lawful to the Magiſtrates who heard and determined the Cauſe, to commit the Offender or Offenders to the common Gaol, without Bail or Mainprize, there to remain until the Sum of Money, found to be in Arrear by the Magiſtrates before whom the Tryal and Conviction was had, together with the Coſts attending the ſame, be paid and ſatisfied: And the ſaid Magiſtrates ſhall be, and hereby are, fully impowered, directed and required, to hear, try and determine theſe Matters in the Manner aforeſaid, and to give Judgment; and if Need be, to award Execution thereon, and to iſſue a Warrant or Warrants for Commitment of ſuch Offender or Offenders, as the Caſe may require: Which Sum or Sums of Money ſo to be recovered by Virtue hereof, ſhall be paid into the Hands of the Church-Wardens of the ſaid City and County of *New-York*, to be by them applied and diſpoſed, as in the ſeveral Acts above recited, or other Acts reſpecting the Maintenance of the Miniſter and Poor, are directed and required; any Thing in any Act or Acts touching the Settling a Miniſtry, or maintaining the Poor, to the contrary hereof in any wiſe notwithſtanding.

CHAP. LXXXIII.

Obſolete.

An ACT *to impower the Freeholders and Inhabitants of* Richmond *County, to raiſe by Way of Lottery, a Sum not exceeding the Sum of* One Hundred and Fifty Pounds, *to purchaſe Arms and Accoutrements for the Uſe of ſuch Perſons in the ſaid County as are unable to provide themſelves therewith.*

Paſs'd the 19th February, 1756.

CHAP. LXXXIV.

Continued by Chap. 185, poſt.

An ACT *to encourage the taking and deſtroying of Wild Cats in the County of* Suffolk.

Paſs'd the 19th February, 1756.

I. BE it Enacted *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* Enacted *by the Authority of the ſame,* That from and After the Publication of this Act, whatever Perſon or Perſons, Freeman or Slave, ſhall take, kill and deſtroy any Wild Cat or Wild Cats, their Catling or Catlings, in the County of *Suffolk*, ſhall have and receive as a Reward foreach Wild Cat ſo taken, killed and deſtroyed, the Sum of *Eight Shillings*; an dfor every ſuch Catling under a Year old, ſo taken, killed and deſtroyed, the Sum of *Four Shillings*, current Money of this Colony.

Reward for killing Wild Cats.

II. AND

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II. AND to the End the Reward abovementioned may be truly paid and diſcharged, Be it Enacted *by the Authority aforeſaid*, That the Perſon or Perſons, taking, killing and deſtroying any Wild Cat or Wild Cats, their Catling or Catlings, in the County aforeſaid, and carrying the Head or Heads thereof, with the entire Skin thereon, to any one Juſtice of the Peace of the ſaid County, (who, upon View thereof, and Examination of the Party, and Circumſtances, finding the ſame to have been taken, killed and deſtroyed in the County aforeſaid) is hereby obliged thereupon, to give a Certificate thereof gratis, and to mention therein, the Name or Names of the Perſon or Perſons that had ſo taken, killed and deſtroyed ſuch Wild Cat or Wild Cats, Catling or Catlings, the Time when, and to diſtinguiſh which are full grown, and which are under the Age of One Year: After which, the Ears of ſuch Wild Cat or Wild Cats, Catling or Catlings, ſo certified, are to be cut off in the Preſence of the ſaid Juſtice; and ſuch Certificate being produced to the Supervizors of the ſaid County, the ſaid Supervizors ſhall, and hereby are obliged, at their annual Meetings, to order the Treaſurer of the ſaid County, to pay unto the Party or Parties ſo producing ſuch Certificate, or to his or their Aſſigns, the Reward allowed and eſtabliſhed by this Act; and the ſaid Reward ſhall be deemed a County Charge, and raiſed, levied, aſſeſſed and collected, together with the other neceſſary and contingent Charges of the County aforeſaid.

How to be paid.

THIS Act to continue, remain, and be of Force, until the Firſt Day of *January* which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty.

CHAP. LXXXV.

See 1ſt Vol. Chap. 664. Expired 1ſt January 1760. Provided for by Chap. 184, poſt.

An ACT *to revive an Act, entitled, An* Act *to prevent Damages by Swine in the County of* Orange, *and ſome Parts of* Ulſter *County, and for repealing all other Acts concerning the ſame within the ſaid* [*County of* Orange, *with ſome Addition.*

Paſs'd the 19th February, 1756.

CHAP. LXXXVI.

An ACT *to enable the Proprietors or Owners of that Part of the* Great-Plains, *in* Queens *County, which lies within the Townſhips of* Hampſtead *and* Oyſterbay, *and is uſed as a Common of Paſture, to hang ſwinging Gates on the High-ways running through the ſaid Plains, and to eſtabliſh prudential Orders and Rules, with Reſpect to the Management of the ſaid Common.*

Paſs'd the 19th February, 1756.

WHEREAS the Proprietors or Owners of that Part of the *Great Plains*, in *Queens* County, which lies within the Townſhips of *Hampſtead* and *Oyſterbay*, have, by their humble Petition, ſet forth, That the ſaid Plain is uſed by them as a common Paſture; that the ſaid Common lying open and not incloſed, great Numbers of Cattle of all Kinds, from the neighbouring Towns and Plantations, having no Right therein, do enter and graze on the ſaid Common, to the great Damage of the Proprietors or Owners thereof: That for preventing ſuch Injury for the future, they propoſe to incloſe the ſaid Common in a circular Fence; but that ſeveral Highways running through the

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ſaid Common, which is of large Extent, they cannot incloſe the ſame without a very great Expence, unleſs they may be permitted to hang eaſy ſwinging Gates on the ſaid Highways; and have therefore humbly prayed, that they may be enabled by an Act to hang ſwinging Gates on the ſaid Highways, and to make prudential Orders and Rules for the Management of the ſaid Commons; which Petition being conceived highly reaſonable:

Where ſwinging Gates may be hung on Hampſtead Plains.

I. **Be it Enacted** *by His Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That the Proprietors or Owners of that Part of the *Great-Plains*, in *Queens* County, which lies within the Townſhip of *Hampſtead* and *Oyſterbay*, ſhall be, and hereby are permitted and allowed, to hang good eaſy ſwinging Gates on the Highways running thro' the ſaid Plains. **Always Provided**, That no more than three Gates ſhall be placed on the Highway or Road that is now commonly uſed thro' the ſaid Plain, from the Houſe of *Gilbert Clements*, at the Weſt End of the ſaid Plain, to and along by the Houſe of *Jonas Valentine*, at the Eaſt End of the ſaid Plain. **And provided**, That the ſaid three Gates, and all other Gates, placed on any other Highway running thro' the ſaid Plain, be left open from the firſt Day of *November*, to the firſt Day of *April*, yearly; any Thing in any of the Acts of this Colony to the contrary notwithſtanding.

Particular Incloſures.

II. **And be it further Enacted** *by the Authority aforeſaid*, That where any Perſon or Perſons have already incloſed their Shares, or Part thereof, of the ſaid Plain, in a particular Incloſure for their ſole Benefit, they ſhall make and maintain the whole Fence of ſuch particular Incloſure at their own Expence.

Watering Places.

III. **And be it further Enacted** *by the Authority aforeſaid*, That where the Watering-Places, to which the Cattle feeding on the ſaid Plain do uſually reſort, lie at ſome ſmall Diſtance from the ſaid Plains, it ſhall and may be lawful for the Proprietors or Owners of the ſaid Plains, to place their Gates in ſuch Manner, as that the Cattle feeding on the ſaid Plains may go to, and return from the ſaid Watering-Places, without any Obſtruction.

Proprietors enabled to make prudential Orders.

IV. **And be it further Enacted** *by the Authority aforeſaid*, That the Proprietors or Owners of the aforeſaid Plains, ſhall be, and hereby are, enabled and impowered reſpectively, to make ſuch prudential Orders, Rules and Regulations for the Management of the ſaid Common, and to impoſe ſuch Penalties on the Offenders againſt the ſaid Orders, Rules and Regulations, not exceeding *Twenty Shillings* for each Offence, as the Majority of the ſaid Proprietors or Owners reſpectively, ſhall, from Time to Time, judge neceſſary; which ſaid Orders, Rules and Regulations, being entered in Books to be provided by the ſaid Proprietors or Owners reſpectively, and lodged in the Hands of their reſpective Clerks, ſhall be good and valid, to all Intents, Conſtructions and Purpoſes, until they ſhall be altered or declared void, by the Majority of the ſaid Proprietors or Owners reſpectively; any Thing in any of the Acts of this Colony to the contrary notwithſtanding.

V. **And be it further Enacted** *by the Authority aforeſaid*, That the Proprietors or Owners of the ſaid Plains, reſpectively, ſhall be, and hereby are, enabled and impowered, by Majority of Voices, to elect and make Choice of one or more Perſon or Perſons, to demand, ſue for, and receive, all the Penalties and Forfeitures which ſhall be incurred by the Breach of the ſaid Orders, Rules and Regulations; which ſaid Penalties and Forfeitures ſo recovered, ſhall be applied to ſuch Uſes as the Majority of the ſaid Proprietors or Owners reſpectively, ſhall order and direct.

CHAP.

29th GEORGE II
A. D. 1756.

CHAP. LXXXVII.

An ACT *for the Payment of the Debts due from this Colony, and other Purpoſes therein mentioned.*

Paſs'd the 1ſt April, 1756.

[It was conceived to be unneceſſary to print any but the following Sections.]

XII. AND be it further Enacted *by the Authority aforeſaid*, That for making immediate Payment for the Services aforeſaid, Bills of Credit to the Amount of the aforeſaid Sum of *Ten Thouſand Pounds*, ſhall be forthwith printed, made and iſſued, and lodged in the Treaſury, for the Uſes directed by this Act; *that is to ſay*, One Thouſand Bills of *Ten Pounds* each: Upon each and every of which Bills, ſhall be impreſſed, on the right Side thereof, the Arms of the City of *New-York*, and under the Arms, in different Characters, theſe Words, *Its Death to counterfeit this Bill:* Which Bills ſhall be in the Form following, *that is to ſay*;

10,000l. in Bills of Credit to be printed, to anſwer the immediate Payments.

BY a Law of the Colony of New-York, *this Bill ſhall paſs current for* TEN POUNDS: New-York, *the Sixteenth Day of* February, *One Thouſand Seven Hundred and Fifty-ſix.*

Form of the Bills.

Which ſaid Bills ſhall be ſigned by *Paul Richard*, *Henry Cruger*, *William Walton*, and *John Watts*, Eſqrs, or any three of them, and numbered by one of them. And in caſe of the Death of any of the ſaid Perſons, the ſaid Bills ſhall be ſigned by the Majority of the Survivors of them.

Signers thereof.

XIII. And be it Enacted *by the Authority aforeſaid*, That *Abraham De Peyſter*, the preſent Treaſurer of this Colony, in whoſe Hands the Stamps of the Arms of the City of *New-York*, and the other Plates, are depoſited, ſhall, in the Preſence of the Signers aforeſaid, or the major Part of them, deliver unto *James Parker*, Printer, the ſaid Stamps and Plates, who is hereby appointed to print the ſaid Bills, and on them to impreſs the ſaid Arms and Plates; which when done, the ſaid *James Parker*, ſhall re-deliver to the ſaid Treaſurer, the ſaid Stamps and Plates, in the Preſence of the Signers aforeſaid, or the major Part of them; and the Receipt of the ſaid Treaſurer, ſhall be to the ſaid Printer, a ſufficient Diſcharge for the ſame: And the ſaid Printer is hereby required and directed, to deliver to the Signers hereby appointed to ſign the ſaid Bills, every Bill of Credit by him printed, and ſhall, upon his Delivery of the ſaid Bills, take an Oath in the Words following,

The Stamps to be delivered to the Printer.

I A. B. *do declare, That from the Time that the Letters were ſet, and fit to be put into the Preſs, for printing the Bills of Credit now by me delivered to you, until the Bills were printed, and the Letters afterwards diſtributed into the Boxes, I went at no Time out of the Room in which the ſaid Letters were, without locking them up, ſo that they could not be come at without Violence, a falſe Key, or other Art then unknown to me; and therefore to the beſt of my Knowledge, no Copies were printed off but in my Preſence; and that all the Blotters, and other Papers whatſoever impreſſed by the ſaid Letters, whilſt ſet for printing the ſaid Bills, to the Beſt of my Knowledge, are here delivered unto you, together with the Stamps; and in all Things relating to this Affair I have well and truly demeaned myſelf, according to the true Intent and Meaning of the Law in that Caſe made, to the beſt of my Knowledge and Underſtanding.*

The Printer's Oath.

Which Oath all or any of the ſaid Signers are hereby impowered, directed and required to adminiſter.

XIV. And

29th GEORGE II A. D. 1756.

XIV. **And be it Enacted** *by the Authority aforeſaid*, That the Perſons herein appointed to ſign the ſaid Bills of Credit, ſhall take an Oath before a Magiſtrate of the City of *New-York*, each of them, *well and truly, to perform what by this Act they are enjoined as their Duty, and will knowingly ſign no more Bills of Credit, than as by this Act is directed.* And if it ſhall happen that any ſupernumerary Bills ſhall be left, after the ſaid Number ſhall be delivered to the ſaid Treaſurer, in Manner aforeſaid, all ſuch ſupernumerary Bills ſhall be burnt and deſtroyed by the ſaid Signers, or the major Part of them, or by the Majority of the Survivors of them, in the Preſence of the Treaſurer of this Colony.

The Signer's Oath

XV. **And be it Enacted** *by the Authority aforeſaid*, That the Bills of Credit enacted and appointed by this Act to be current, ſhall be received by the Treaſurer of this Colony in all publick Payments, and for any Fund, at any Time, in the Treaſury, and by any Perſon within this Colony, in all Caſes whatſoever, during the Time they are enacted to continue, and be as effectually current, as any other Bills of Credit made current in this Colony, by any Act of the Governor, Council and General Aſſembly.

Currency of the Bills.

XVI. **And be it Enacted** *by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever, ſhall counterfeit any of the Bills of Credit made current by this Act, or ſhall alter any of the ſaid Bills made current as aforeſaid, ſo that they ſhall appear to be of greater Value than by this Act the ſame Bill or Bills ſo altered were enacted, ſigned and numbered to paſs current for, or ſhall knowingly paſs, or give in Payment, any of the Bills aforeſaid, ſo counterfeited or altered; every Perſon guilty of counterfeiting or altering any of the ſaid Bills as aforeſaid, or of knowingly paſſing, or giving in Payment any ſuch counterfeit or altered Bill, ſhall be guilty of Felony; and being thereof convicted, ſhall ſuffer the Pains of Death, without Benefit of Clergy: And tho' ſuch counterfeiting, altering, or knowingly paſſing counterfeit or altered Bills, ſhall be done out of this Colony; yet any Grand-Jury within the City and County of *New-York*, is hereby impowered to preſent the ſame, and to ſet forth in the Indictment, the Place where, by their Evidence, it appeared that the Fact was committed; which Indictment is hereby declared good, notwithſtanding that the Place alledged be out of this Colony; and the Petty Jury on the Tryal of all ſuch Iſſues, ſhall be returned from the Body of the City and County of *New-York*; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Penalty on counterfeiting the Bills, &c.

XVII. **And be it Enacted** *by the Authority aforeſaid*, That the Bills of Credit made, ſtruck, and iſſued by Virtue of this Act, ſhall be and remain current, until the firſt Tueſday in *November*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty One incluſive.

Continuation of the Currency of the Bills.

XVIII. **And be it Enacted** *by the Authority aforeſaid*, That as the Money to be raiſed, levied and collected by Virtue of this Act, ſhall be paid into the Treaſury, the Treaſurer of this Colony for the Time being, ſhall be, and he is hereby directed and required, to uſe his utmoſt Endeavours to exchange the ſame for Bills of Credit made current by this Act; which ſaid Bills ſo procured, ſhall be kept in the Treaſury, ready to be cancelled, in Manner as is directed in and by an Act, entitled *An* Act, *for the more effectual cancelling the Bills of Credit of this Colony*, paſſed in the Twenty-firſt Year of his Majeſty's Reign.

Method of cancelling the Bills.

CHAP.

29th GEORGE II A. D. 1756.

CHAP. LXXXVIII.

An ACT *for raiſing, paying and ſubſiſting One Thouſand Seven Hundred and Fifteen effective Men, Officers included, to be employed in Conjunction with the neighbouring Colonies, on an Expedition for reducing the* French *Fort at* Crown-Point, *and carrying on an offenſive War againſt the* Indians, *who infeſt the Weſtern Frontiers of this Colony, and other Purpoſes therein mentioned:*

Paſs'd the 1ſt April, 1756.

[Tho' the Money granted by this Act is not raiſed, yet, as it will be by the firſt Tueſday of *November* 1765, and the Act is very long, we thought it proper to publiſh only that Part relating to the Emiſſion of Bills of Credit.]

XXV. AND as it is impracticable to have the aforeſaid Sums of Money collected ſo ſoon as the preſent Exigencies require, Be it Enacted *by the Authority aforeſaid*, That for making immediate Payment for the Services aforeſaid, Bills of Credit to the Value of *Fifty-two Thouſand Pounds*, be forthwith printed, made and iſſued, upon the Credit of the Money to be raiſed and levied by Virtue of this Act, and lodged in the Treaſury for that Purpoſe; *that is to ſay*, Two Thouſand and Two Hundred Bills of *Ten Pounds* each; Four Thouſand Bills of *Five Pounds* each; Two Thouſand Bills of *Three Pounds* each; One Thouſand Bills of *Two Pounds* each; and Two Thouſand Bills of *One Pound* each: And upon every and each of which Bills, ſhall be impreſſed on the Right Side thereof, the Arms of the City of *New-York*, and under the Arms, in different Characters, theſe Words, *Its Death to counterfeit this Bill:* Which Bills ſhall be in the Form following, *that is to ſay:*

Currency of the Bills.

BY a Law of the Colony of New-York, *this Bill ſhall paſs current for* New-York, *the Twentieth Day of* April, *One Thouſand Seven Hundred and Fifty-ſix.*

Form of the Bills.

Which Bills ſhall be ſigned by *Robert R. Livingſton, John Cruger, John Van der Spiegel,* and *William P. Smith*, Eſqrs, or any three of them, and numbered by one of them. And in caſe of the Death of any of the ſaid Perſons, the ſaid Bills ſhall be ſigned by the Majority of the Survivors of them.

Signers thereof.

XXVI. And be it Enacted *by the Authority aforeſaid*, That *Abraham De Peyſter*, the preſent Treaſurer of this Colony, in whoſe Hands the Stamps of the Arms of the City of *New-York*, and the other Plates, are depoſited, ſhall, in the Preſence of the Signers aforeſaid, or the major Part of them, deliver unto *James Parker*, the ſaid Stamps and Plates, who is hereby appointed to print the ſaid Bills, and on them to impreſs the ſaid Arms and Plates; which when done, the ſaid *James Parker*, ſhall re-deliver to the ſaid Treaſurer, the ſaid Stamps and Plates, in Preſence of the Signers aforeſaid, or the major Part of them; and the Receipt of the ſaid Treaſurer, ſhall be to the ſaid Printer, a ſufficient Diſcharge for the ſame: And the ſaid Printer is hereby required and directed, to deliver to the Signers hereby appointed to ſign the ſaid Bills, every Bill of Credit by him printed, and ſhall, upon his Delivery of the ſaid Bills, take an Oath in the Words following, *viz.*

The Stamps to be delivered to the Printer.

I A. B. *do declare, That from the Time the Letters were ſet, and fit to be put into the Preſs, for printing the Bills of Credit now by me delivered to you, until the Bills were printed, and the Letters afterwards diſtributed into the Boxes, I went at no Time out of the Room in which the ſaid Letters were, without locking them up, ſo that they could not be come at without Violence, a falſe Key, or other Art then unknown to me; and therefore to the beſt of my Knowledge, no Copies were printed off but in my Preſence; and that all the Blotters,*

The Printer's Oath.

29th GEORGE II A. D. 1756.

and other Papers whatsoever impressed by the said Letters, whilst set for printing the said Bills, to the Best of my Knowledge, are here delivered unto you, together with the Stamps; and in all Things relating to this Affair I have well and truly demeaned myself, according to the true Intent and Meaning of the Law in that Case made, to the best of my Knowledge and Understanding.

Which Oath all or every of the Signers are hereby impowered, directed and required, to administer.

The Signer's Oath

XXVII. **And be it Enacted** *by the Authority aforesaid,* That the Persons herein appointed to sign the said Bills of Credit, shall take an Oath before a Magistrate of the City of *New-York*, each of them, *well and truly, to perform what by the Act they are enjoined as their Duty, and will knowingly sign no more Bills of Credit, than as by this Act is directed.* And if it shall happen that any supernumerary Bills shall be left, after the said Number shall be delivered to the said Treasurer, in Manner aforesaid, all such supernumerary Bills shall be burnt and destroyed by the said Signers, or the major Part of them, or by the Majority of the Survivors of them, in the Presence of the Treasurer of this Colony.

Currency of the Bills.

XXVIII. **And be it Enacted** *by the Authority aforesaid,* That the Bills of Credit enacted and appointed by this Act to be current, shall be received by the Treasurer of this Colony in all publick Payments, and for any Fund, at any Time, in the Treasury, and by any Person within this Colony, in all Cases whatsoever, during the Time they are enacted to continue, and be as effectually current, as any other Bills of Credit made current in this Colony, by any Act of the Governor, Council and General Assembly.

Penalty on counterfeiting the Bills, &c.

XXIX. **And be it Enacted** *by the Authority aforesaid,* That if any Person or Persons whatsoever, shall counterfeit any of the Bills of Credit made current by this Act, or shall alter any of the Bills made current as aforesaid, so that they shall appear to be of greater Value than by this Act the same Bill or Bills so altered were enacted, signed or numbered to pass current for, or shall knowingly pass, or give in Payment, any of the Bills aforesaid, so counterfeited or altered; every Person guilty of counterfeiting or altering any of the said Bills as aforesaid, or of knowingly passing, or giving in Payment any such counterfeit or altered Bill, shall be guilty of Felony; and being thereof convicted, shall suffer the Pains of Death, without Benefit of Clergy: And tho' such counterfeiting, altering, or knowingly passing counterfeit or altered Bills, shall be done out of this Colony; yet any Grand-Jury within the City and County of *New-York*, is hereby impowered to present the same, and to set forth in the Indictment, the Place where, by their Evidence, it appeared that the Fact was committed; which Indictment is hereby declared good, notwithstanding that the Place alledged be out of this Colony; and the Petty Juries on the Tryal of all such Issues, shall be returned from the Body of the City and County of *New-York*; any Law, Usage or Custom to the contrary notwithstanding.

Continuation of the Currency of the Bills.

XXX. **And be it Enacted** *by the Authority aforesaid,* That the Bills of Credit made, struck, and issued by Virtue of this Act, shall be and remain current, until the first Tuesday in *November*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty Six.

Method of cancelling the Bills.

XXXI. **And be it Enacted** *by the Authority aforesaid,* That as the Money to be raised, levied and collected by Virtue of this Act, shall be paid into the Treasury, the Treasurer of this Colony for the Time being, shall be, and he

is hereby directed and required, to uſe his utmoſt Endeavours to exchange the ſame for Bills of Credit made current by this Act; which ſaid Bills ſo procured, ſhall be kept in the Treaſury, ready to be cancelled, in Manner as is directed in and by an Act, entitled *An Act, for the more effectual cancelling the Bills of Credit of this Colony*, paſſed in the Twenty-firſt Year of his Majeſty's Reign.

XXXII. AND whereas it is propoſed to make an offenſive War againſt the *Indians* who are Enemies to his Majeſty, in Conjunction with the Colonies of *New-Jerſey* and *Pennſylvania*: **Be it Enacted** *by the Authority aforeſaid*, That whenever his Excellency the Governor, or Commander in Chief for the Time being, by and with the Advice of his Majeſty's Council, ſhall judge it expedient to engage in an Expedition againſt the ſaid *Indians*, in Conjunction with the aforeſaid two Colonies; it ſhall and may be lawful for his Excellency the Governor, in caſe Volunteers cannot be procured, to detach from the Counties of *Ulſter* and *Orange*, ſuch Number of able-bodied Men, for the ſaid Service, as ſhall be ſufficient to compleat the full Quota of this Colony, of ſuch Number of effective Men, not exceeding One Thouſand in the Whole, as ſhall be judged neceſſary for the ſaid Expedition, to act in Conjunction with the Forces of the aforeſaid two Colonies. **Always provided**, That the whole Number to be furniſhed by this Colony, exceed not Four Hundred effective Men, including commiſſion Officers.

The Governor impower'd to ſend Forces for an offenſive War againſt the Indians on the Weſtern Frontiers.

XXXIII. **And be it further Enacted** *by the Authority aforeſaid*, That in caſe any Perſon or Perſons, who ſhall be detached as aforeſaid, ſhall refuſe the ſaid Service, he or they ſo refuſing, ſhall be deemed Deſerters, and be proceeded againſt, and puniſhed accordingly.

Puniſhment for Perſons refuſing to go, if detach'd.

XXXIV. **And be it further Enacted** *by the Authority aforeſaid*, That the aforeſaid Forces ſo engaged againſt the *Indians*, ſhall, in all Reſpects, be under the like Rules and Regulations, and be ſubject to the like Penalties and Puniſhments, as thoſe who ſhall be engaged on the Expedition againſt *Crown-Point*, contained in the Clauſe or Clauſes of this Act, provided againſt Mutiny and Deſertion.

To be under the ſame Regulations as thoſe againſt Crown-point.

XXXV. **And be it further Enacted** *by the Authority aforeſaid*, That the aforeſaid Commiſſaries, ſhall, out of the Monies lodged in their Hands by this Act, provide for, and furniſh the ſaid Forces with a ſufficient Quantity of Proviſions ſuitable for ſuch an Enterprize, together with Powder and Ball; and Pay unto each able bodied Man, entering voluntarily into the ſaid Service, the Sum of *One Pound and Fifteen Shillings*, on a Certificate from the Officer under whom he or they be inliſted; the ſaid Volunteers providing their own Arms and Blankets; any Thing before contained in this Act to the contrary notwithſtanding.

The Commiſſaries to pay the Bounty to Volunteers.

XXXVI. **And be it Enacted** *by the Authority aforeſaid*, That the aforeſaid Forces, (except commiſſion Officers) ſhall, each of them, have and receive *Two Shillings* per Day; and the commiſſion Officers, the ſame Pay as thoſe engaged on the Expedition againſt *Crown-Point*, for the Time they ſhall be in actual Service on the aforeſaid Enterprize; which Money, the Treaſurer is hereby directed to pay out of the Monies to be raiſed by this Act, according to proper Certificates, ſigned by the principal Commander of the ſaid Forces, containing the exact Number of Days each Perſon has been actually employed on the ſaid Service, on Warrants iſſued by his Excellency the Governor, or Commander in Chief for the Time being, by and with the Advice and Conſent of his Majeſty's Council.

Men's Wages.

XXXVII.

29th GEORGE II A. D. 1756.

Residue of the Money to remain in the Treasury.

XXXVII. And be it further Enacted *by the Authority aforesaid*, That when the Treasurer shall have paid all the several Sums directed to be paid by this Act, all the Residue of the Money to be raised by this Act, shall remain in the Treasury, to be disposed of by Act or Acts hereafter to be passed for that Purpose.

The Treasurer to keep exact Books of his Payments.

XXXVIII. And be it further Enacted *by the Authority aforesaid*, That the Treasurer shall keep exact Books of all his Receipts and Payments by Virtue of this Act, and a true and just Account thereof shall render on Oath, to the Governor, or Commander in Chief for the Time being, the Council and General Assembly, when by them, or any of them, thereunto required.

CHAP. LXXXIX.

See Chap. 52 and 62, ante. Expired 1st January 1758. Provided for by Chap. 139.

An ACT *to continue an Act, entitled, An* Act *to prevent infectious Distempers being brought into this Colony, and to hinder the spreading thereof, with an Addition thereto.*

Pass'd the 1st April, 1756.

CHAP. XC.

See 1 Vol. Chap. 575, Chap. 686, and Chap. 795, and 888.

An ACT *to revive the several Acts therein mentioned.*

Pass'd the 1st April, 1756.

I. BE it Enacted *by his Excellency the Governor, the Council, and the General Assembly, and it is hereby* Enacted *by the Authority of the same*, That the Act, entitled, *An* Act *for the better clearing, regulating and further laying out publick Highways in the County of* Suffolk; passed in the sixth Year of his present Majesty's Reign; and the Act, entitled, *An* Act *to continue an Act, entitled, An* Act *for the better clearing, regulating and further laying out publick Highways in the County of* Suffolk, *with some Additions thereto*, passed in the Thirteenth Year of his said Majesty's Reign; and also the Act, entitled, *An* Act *to amend an Act, entitled, An* Act *for the better clearing, regulating and further laying out publick Highways in the County of* Suffolk, passed in the Nineteenth Year of his said Majesty's Reign; shall be, and hereby are revived, and every the Clauses, Articles, Matters and Things in the same three Acts contained, shall be and remain in full Force and Virtue, to all Intents, Constructions and Purposes whatsoever, from the Publication hereof, until the first Day of *January*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty Five.

CHAP. XCI.

See Chap. 801, and 905. 1st Vol.

An ACT *to revive an Act, entitled, An* Act *for the better clearing, regulating and further laying out publick Highways in the County of* Westchester, *with some Alterations.*

Pass'd the 1st April, 1756.

WHEREAS an Act, entitled, *An* Act *for the better clearing, regulating and further laying out publick Highways in the County of* Westchester, passed in the Nineteenth Year of his Majesty's Reign, expired by its own Limitation on the first Day of *December* last; and the same having been found highly useful; I. Be

29th GEORGE II A. D. 1756.

I. **Be it Enacted** *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That the above mentioned Act, entitled, *An* Act *for the better clearing, regulating and further laying out publick Highways in the County of* Weſtcheſter, ſhall be, and hereby is revived; and every Article, Matter and Clauſe therein contained, enacted to be and remain in full Force from the Publication hereof, until the firſt Day of *January*, which will be in the Year One Thouſand Seven Hundred and Sixty Six.

II. **And be it further Enacted** *by the Authority aforeſaid,* That the ſeveral Perſons herein after named, *to wit*,

For *Weſtcheſter* and *Fordham*; *Edward Stevenſon*, *Anthony Bartow*, and *James Ferris*, Eſquires.

For *Eaſtcheſter*; *Charles Vincent*, *Edward Burling*, and *John Townſend*, Eſquires.

For *New-Rochelle* and *Pellham*; Col. *Anthony Leſpinard*, *John Pell*, and *Joſeph Rodman*, Eſquires.

For *Rye* and *White Plains*; Col. *William Willet*, *Jonathan Brown*, and *Gabriel Lynch*, Eſquires.

For *Mamaroneck*; *James De Lancey*, *John Gidney*, and *Benjamin Griffin*, Eſqrs.

For *Bedford*; *John Holmes*, *Abraham Miller*, and *Marcus Moſeman*, Eſquires.

For *Northcaſtle*; *George Dennis*, *Joſeph Fowler*, and *Moſes Quinby*, Eſquires.

For *Salem*; *Joſiah Gilbert*, *James Brown*, and *Peter Benedict*, Eſquires.

For the Manor of *Cortlandt*; *Philip Verplanck*, *John Hyat*, and *Piere Van Cortlandt*, Eſquires.

For the Lower Part of the Manor of *Philipſburgh*; *Frederick Philipſe*, *Nathaniel Underhill*, and *James Van Cortlandt*, Eſquires.

For the Upper Part of ſaid Manor; *William Davis*, *Iſaac Deane*, and *Gilbert Drake*, Eſquires.

And for the Eaſt Patent and Old Pound Ridge; *Reuben Lockwood*, *John Crawford*, and *Hezekiah Wood*, Eſquires;

Shall be, and hereby are appointed Commiſſioners to regulate and lay out Highways in the ſaid County, for the Places for which they are reſpectively appointed; and ſhall be, and hereby are, veſted with as full Power and Authority for that End, to all Intents, Conſtructions and Purpoſes whatſoever, as if they had been actually named and appointed in and by the aforeſaid Act; any Thing in the aforeſaid Act to the contrary notwithſtanding.

CHAP. XCII.

An ACT *for the more ſpeedy and effectual raiſing the Forces to be furniſhed by this Colony, on the Expedition againſt* Crown-Point.

Obſolete.

Paſs'd the 4th May, 1756.

CHAP. XCIII.

An ACT *to revive an Act, entitled, An* Act *more effectually to reſtrain the Exportation of Proviſions and warlike Stores from the Colony of* New-York, *with an Alteration thereto.*

Paſs'd the 4th May, 1756.

[See Chap. 68, ante, which was revived by this Act for 21 Days; and after that Term, from the Time that like Laws paſs in *New-Jerſey* and *Pennſylvania*, and to be of the ſame Continuance with them, not exceeding 3 Months. Supplied by an Act of Parliament, paſſed 2d December 1756, commonly called the Proviſion Act, which extended to all the Colonies in *America*.]

29th GEORGE II A. D. 1756.

CHAP. XCIV.

An ACT *to enable the Inhabitants of the Manor of* Cortlandt, *in the County of* Weſtcheſter, *to elect two additional Conſtables.*

Paſs'd the 4th May, 1756.

WHEREAS the Inhabitants of the Manor of *Cortlandt*, having, by Act of this Colony, a Power to elect only one Conſtable, and the ſaid Manor being ſince conſiderably increaſed in Number of Inhabitants and Settlements, a greater Number appears now neceſſary.

I. **Be it therefore Enacted** *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame*, That from and after the Publication of this Act, it ſhall and may be lawful to and for the Inhabitants of the Manor of *Cortlandt* aforeſaid, at their annual Meetings for the Election of Manor Officers, to elect and chuſe two additionl Conſtables, one of which Conſtables to be elected and choſen from and out of ſuch of the Inhabitants as have Habitations at or near *Hudſon*'s River, and the other from and out of ſuch of the Inhabitants as have Habitations on the Eaſtern Parts of the ſaid Manor; any Law, Uſage or Cuſtom to the contrary in any wiſe notwithſtanding.

CHAP. XCV.

See Chap. 57, ante.
Amended by Chap. 122, poſt.
Repealed by Chap. 162.

An ACT *to limit and aſcertain the Rates to be taken for Carriages imployed or impreſſed into his Majeſty's Service in this Colony.*

Paſs'd the 5th May, 1756.

CHAP. XCVI.

30th GEORGE II 1756.

Revived, with an Addition, by Chap. 121, poſt.

An ACT *for the better apprehending and ſecuring Deſerters from his Majeſty's Forces in* America.

Paſs'd 9th July, 1756.

CHAP. XCVII.

An ACT *more effectually to ſuppreſs and prevent the counterfeiting of the Paper Currency of this Colony.*

Paſs'd the 9th July, 1756.

Preamble.

WHEREAS it appears by the Confeſſion of *Owen Sullivan*, lately executed for counterfeiting the Bills of Credit of this Colony, that there are ſundry Plates engraved in Imitation and Semblance of the Plates of this Colony; and many other Implements and Materials concealed by his Accomplices, in order to carry on that pernicious Practice, with which they have already counterfeited many Bills of Credit of this Colony, particularly, the Emiſſion of the Twenty-fifth of *March*, One Thouſand Seven Hundred and Fifty-five, which lie yet concealed. AND whereas the Well-being and Preſervation of this Colony, does, in a great Meaſure, depend on the good Credit and Reputation of its Paper Emiſſions. I. Be

30th GEO. II. A. D. 1756.

I. **Be it therefore Enacted** *by His Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That if any Perſon or Perſons ſhall be detected in concealing, or aiding to conceal, ſuch Plates, Bills, Materials, or Implements, or any of them, ſhall be found, in his, her, or their Poſſeſſion and Cuſtody, or any Perſon or Perſons hereafter ſhall engrave, or otherwiſe contrive any ſuch Plate or Plates, Materials or Implements, or in any wiſe aid or aſſiſt in counterfeiting the Paper Currency of this Colony, ſuch Perſon or Perſons ſhall, for any ſuch Offence (being thereof convicted) ſuffer the Pains of Death, without Benefit of Clergy, as in Caſes of Felony; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Perſons detected in concealing the Plates, &c. or counterfeiting the Paper Currency of this Colony, to ſuffer Death, without Benefit of Clergy.

CHAP. XCVIII.

An ACT *to continue an Act, entitled* An *Act, to prohibit the Sale of Rum, or any other Strong Liquors, to any* Indian *or* Indians *within the City or County of* Albany, *excepting at the Trading-Houſe of* Oſwego; *and to prevent the buying, exchanging, or taking in Pawn of or from any of the ſaid* Indians, *any Arms, Ammunition, or Cloathing.*

Paſs'd the 9th July, 1756.

See Chap. 58, ante.
Expired 5th July 1757.
Provided for by Chap. 164.

CHAP. XCIX.

An ACT *to impower the Juſtices of* Weſtcheſter, Suffolk, Queens, Kings, *and* Richmond *Counties reſpectively, to bind out ſuch of his Majeſty's Subjects, commonly called* Neutral French, *as have been removed from* Nova-Scotia *to this Colony, and diſtributed into the ſaid Counties.*

Paſs'd the 9th July, 1756.

WHEREAS it has been judged neceſſary for his Majeſty's Service, to remove his Subjects of *Nova-Scotia*, commonly called *Neutral French*, from thence to ſome other of his Majeſty's Colonies; and in Conſequence thereof, a certain Number has been received into this Colony, poor, naked, and deſtitute of every Convenience and Support of Life. To the End that they may not continue, as they now really are, uſeleſs to his Majeſty, themſelves, and a Burthen to this Colony:

I. **Be it Enacted** *by His Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That his Majeſty's Juſtices of the Peace of the ſaid ſeveral and reſpective Counties, or any two of them, one whereof to be of the Quorum, ſhall be, and hereby are, impowered and required to bind out into reputable Families, ſuch of them as are not arrived to the Age of Twenty-one Years, for ſuch a Space of Time as the ſaid Juſtices ſhall judge proper, not exceeding the Time they ſhall reſpectively attain the Age of Twenty-one Years; during which Time they ſhall be obliged, faithfully and induſtriouſly, to diſcharge their Service, as other indented Perſons within this Colony are.

II. **And be it Provided and Enacted,** That if any ſuch Perſon or Perſons within the Age of Twenty-one Years, are already become uſeful Subjects, and are able to maintain themſelves by their Labour, without continuing a Burthen to the Publick, then the reſpective Juſtices ſhall, by this Act, have no Power to bind out any ſuch Perſon or Perſons, but are directed and required to leave them to ſupport themſelves, by their own Induſtry and Labour.

III. And

30th GEORGE II A. D. 1756.

III. And be it further Enacted *by the Authority aforesaid*, That the said Justices are hereby directed and required, to treat the said People committed to their Care, with all the Justice in their Power, observing to make the most favourable Contracts for them, both as to Time of Service, and the Consideration to be paid them when their Time of Service shall be expired, whether it be in Implements of Trade, Clothing, or other Gratuity.

CHAP. C.

An ACT *to inforce and render more effectual an Act, entitled, An* * Act *to prevent vagrant and idle Persons from being a Charge and Expence to any of the Counties, Cities, Towns, Manors, or Precincts within this Province.*

* Chap. 410, 1st Vol.

Pass'd the 9th July, 1756.

WHEREAS in and by the aforesaid Act, entitled *An* Act, *to prevent vagrant and idle Persons from being a Charge and Expence to any the Counties, Cities, Towns, Manors or Precincts within this Province*; passed in the Seventh Year of the Reign of his late Majesty King GEORGE the First, it is Provided and Enacted, That every Master of any Ship or Vessel that should enter in his Majesty's Custom-House, within the City of *New-York*, should, within Twenty-four Hours after his Arrival, make Report to the Mayor of the said City for the Time being, of all and every Person or Persons that he should bring in his Ship or Vessel, not shipped as a Sailor on board of his said Ship or Vessel, under the Penalty and Forfeiture of *Five Pounds*, current Money of *New-York*: Which Penalty being conceived too small:

I. Be it Enacted *by his Excellency the Governor, the Council, and the General Assembly, and it is hereby* Enacted *by the Authority of the same*, That every Master of any Ship or Vessel who shall enter in his Majesty's Custom-House, in the City of *New-York*, and shall not make Report as directed by the aforesaid Act, shall respectively forfeit and pay the Sum of *Ten Pounds*: And if any Person so neglected to be reported to the Mayor of the said City, as directed by the Act aforesaid, shall be a Foreigner, the Master of any Ship or Vessel so neglecting to make Report as aforesaid of such Foreigner, shall forfeit the Sum of *Thirty Pounds*. And any Housholder who shall entertain in his House or Family any such Foreigner, and not make the same known to the Mayor of the said City, within Twenty-four Hours after he shall receive such Foreigner into his House or Family, shall forfeit the Sum of *Five Pounds*: The said respective Forfeitures to be recovered and applied as is directed in the said Act; any Thing in the said Act to the contrary notwithstanding.

CHAP. CI.

An ACT *to continue an Act, entitled, An* † Act *to prevent the Exportation of Provisions, Naval and Warlike Stores from the Colony of* New-York *to* Cape-Breton, *or to any other the Dominions of the* French *King, or Places at present in Possession of any of his Subjects.*

Chap. 62, ante. Expired 1st January 1757.

Pass'd the 9th July, 1756.

CHAP. CII.

Private.

An ACT *for enabling the surviving Executors of the last Will and Testament of* Philip Van Cortlandt, *Esquire, to sell and dispose of so much of the real Estate whereof he died seized, as will be sufficient to pay his Debts.*

Confirmed by the King.

Pass'd the 9th July, 1756.

The

30th GEORGE II
A. D. 1756.

The Twentieth ASSEMBLY.

SEVENTH SESSIONS.

CHAP. CIII.

An ACT *further to continue an Act, entitled, An* Act *for regulating the Militia of the Colony of* New-York, *and for continuing an Act entitled an Act, to continue an Act, entitled An Act, for regulating the Militia of the Colony of* New-York, *with ſome Additions thereto.*

Paſs'd the 27th November, 1756.

See Chap. 51, and Chap. 75, ante, and 120 and 126, poſt.
Continued and enlarged by Chap. 148, poſt.

I. BE it Enacted *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* Enacted *by the Authority of the ſame,* That one Act, entitled * *An* Act, *for regulating the Militia of the Colony of* New-York; paſſed in the Twenty-eighth Year of his Majeſty's Reign: As alſo one other Act, entitled † *An* Act, *to continue an Act, entitled An Act, for regulating the Militia of the Colony of* New-York, *with ſome Additions thereto,* paſſed in the Twenty-ninth Year of his Majeſty's Reign; ſhall be, and hereby are continued; and every Clauſe, Article, Matter, and Thing therein contained, enacted to be and remain in full Force and Virtue, to all Intents, Conſtructions and Purpoſes whatſoever, from the firſt Day of *January* next, until the firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Fifty-eight.

Acts continued.

CHAP. CIV.

An ACT *to enable* Humphry Avory, *of the County of* Suffolk, *to ſell and diſpoſe of his real Eſtate in the ſaid County, by Way of Lottery, for the Payments of his Debts.*

Paſs'd the 27th November, 1756.

Private and Obſolete.

CHAP. CV.

An ACT *to extend an Act, entitled An Act, for the Relief of Inſolvent Debtors, with reſpect to the Impriſonment of their Perſons, in the Cities of* New-York *and* Albany, *to Debtors now under Confinement within this Colony.*

Paſs'd the 27th November, 1756.

See Chap. 74, ante.
Expired 1ſt Auguſt, 1757.

CHAP. CVI.

An ACT *to repeal Part of the ſeveral Acts therein mentioned.*

Paſs'd the 27th November, 1756.

[This Act being a Repeal of a Clauſe in the ſeveral Acts for raiſing a Sum by Lottery for a College; and thoſe Acts having had their Effect, this is therefore marked——Obſolete.

30th *GEORGE* II A. D. 1756.

CHAP. CVII.

Continued by Chap. 128.

An ACT *for laying an Exciſe upon all Tea of Foreign Growth retailed within this Colony.*

Paſs'd the 1ſt December, 1756.

CHAP. CVIII.

Continued by Chap. 127, poſt.

An ACT *for erecting and eſtabliſhing a Stamp-Office in this Colony, for ſtamping all Vellum, Parchment, and Paper, charged with the ſeveral Duties therein mentioned.*

Paſs'd the 1ſt December, 1756.

CHAP. CIX.

Expired 1ſt January, 1758.

An ACT *to regulate the collecting the Duty of Exciſe on Strong Liquors retailed in this Colony, from the firſt of* January, *One Thouſand Seven Hundred and Fifty-ſeven, to the firſt of* January, *One Thouſand Seven Hundred and Fifty-eight.*

Paſs'd the 1ſt December, 1756.

CHAP. CX.

Continued by Chap. 130.

An ACT *for billeting and quartering his Majeſty's Forces within this Colony.*

Paſs'd the 1ſt December, 1756.

WHEREAS his Majeſty hath been graciouſly pleaſed to ſend and raiſe a conſiderable Body of Forces, to be employed for the Defence and Protection of this, and other his Colonies in *North-America:* And a greater Number of the ſaid Troops are now actually, and may happen to be, employed in this Colony, than can be quartered in the Barracks erected therein. For billeting and quartering of whom, it is neceſſary Proviſion ſhould be made:

Such of his Majeſty's Forces paſſing through this Colony, to be quarter'd in Alehouſes, &c.

I. **Be it therefore Enacted** *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That when, and as often as any of his Majeſty's Forces ſhall be ordered to march into, or through this Colony, and ſhall come into any City, Borough, Town, Manor, or Precinct in the ſame, that it ſhall and may be lawful for the Mayor, Deputy Mayor, or Recorder, and any two of the Aldermen of ſuch City and Borough, and for any two Juſtices of the Peace of the County in which ſuch Town or Precinct ſhall lie, to quarter and billet the Officers and Soldiers in his Majeſty's Service, in ſuch Inns, Livery Stables, Ale-houſes, Victualling-houſes, and all Houſes ſelling Rum, Brandy, Cyder, or any other Spirituous Liquors, by Retail, to be drank in ſaid Houſes: And in caſe there ſhall not be a ſufficient Number of ſuch Houſes in the City, Borough, Town, Manor, or Precinct, into which ſuch Forces ſhall come, for conveniently entertaining ſuch Officers and Soldiers; then, and in that Caſe, in ſuch private Houſes, in ſuch City or Borough, as the Mayor, Deputy Mayor, or Recorder, and two Aldermen, in their Diſcretion ſhall ſee fit; and in ſuch private

private Houſes in the ſeveral Towns or Precincts in the ſeveral Counties, as the ſaid two Juſtices ſhall judge moſt convenient for that Purpoſe. **Provided always**, That there ſhall be no more Billets at any Time ordered, than there are effective Soldiers to be quartered, nor any greater Number of Soldiers billeted or quartered in any one Houſe than four, unleſs by the Conſent of the Maſter of ſuch Houſe.

II. **And be it further Enacted** *by the Authority aforeſaid*, That if any Perſon or Perſons, in whoſe Houſe any Officer or Soldier ſhall be quartered and billeted, in purſuance of this Act, ſhall refuſe to admit, or take ſuch Officer or Soldiers ſo billeted, the Perſon or Perſons ſo refuſing, ſhall forfeit the Sum of *Five Pounds*, for every Officer or Soldier ſo refuſed to be admitted: Which Forfeiture, upon Complaint and Proof thereof made by one or more credible Witneſs or Witneſſes, to any one Juſtice of the Peace, ſhall be levied, by Warrant of ſuch Juſtice, by Diſtreſs and Sale of the Offender's Goods, rendering the Overplus to the Party, after Deduction of reaſonable Charges in taking the ſame: The ſaid Fine to be paid to the City or County Treaſurer where the ſame may ariſe, to be by them applied toward the contingent Charges of the ſaid City or County reſpectively.

Perſons refuſing to take in ſuch Soldiers and Officers, to forfeit 5l.

III. **Provided alſo, and be it further Enacted** *by the Authority aforeſaid*, That nothing in this Act herein before mentioned, ſhall be conſtrued to impower or authorize the billeting or quartering any Officers or Soldiers, in the Cities of *New-York* and *Albany*, and Townſhip of *Schenectady*, in which Barracks are built for the Reſidence of Soldiers, unleſs Quarters are wanting for a greater Number of Officers and Soldiers than can conveniently be placed in ſuch Barracks.

Proviſo.

IV. **And whereas** great Abuſes may be committed by Officers and Soldiers by bringing their Wives, Children, and Maid Servants into their Quarters, under Colour of this Act, contrary to the true Meaning thereof; **Be it Enacted** *by the Authority aforeſaid*, That nothing herein contained, ſhall be conſtrued to authorize or impower the quartering or billetting the Wife, Child, or Maid Servant of any Officer or Soldier, on any Pretence whatever; nor ſhall any Perſon or Perſons upon whom, or in whoſe Houſe any Officer or Soldier ſhall be quartered or billetted in Purſuance of this Act, be obliged to entertain the Wife, Child, or Maid Servant of any Officer or Soldier ſo quartered or billeted, without the Conſent and Agreement of the Perſon or Perſons upon whom ſuch Officer or Soldier ſhall be ſo quartered or billeted.

Nothing in this Act to be conſtrued to the billeting any Officer's or Soldier's Wife, Child, or Maid-Servant.

V. AND to the End the Soldiers ſo to be billetted, may not be impoſed upon, nor the Subject oppreſſed: **Be it Enacted** *by the Authority aforeſaid*, That the Rates to be allowed and taken for every Officer or Soldier billeted by Virtue of this Act, ſhall be fixed and aſcertained by the reſpective Magiſtrates, by whom ſuch Billets ſhall be granted: And the commanding Officer of the Company, to which the Soldier or Soldiers ſo billeted ſhall reſpectively belong, ſhall reſpectively be accountable for the billeting Money due for the Men belonging to their reſpective Companies. The Soldiers Bedding to be of Straw or Chaff, incloſed in a proper Cover, where Flock Beds cannot be had, and the Allowance for billeting or quartering to be paid Weekly at fartheſt, if demanded.

Rates to be taken for ſuch as are billetted, to be fixed and aſcertained by the Magiſtrates,

The commanding Officer of ſuch billeted Perſons to be accountable for the billeting Money.

VI. **And be it Enacted** *by the Authority aforeſaid*, That this Act ſhall be and remain in Force from the Publication thereof, until the Firſt Day of *January*, which will be in the Year of Our Lord One Thouſand Seven Hundred and Fifty Eight.

Continuance of this Act.

CHAP.

30th GEORGE II A.D. 1756.

CHAP. CXI.

Obſolete.

An ACT *for raiſing by a public Lottery for this Colony, the Sum of* One Thouſand One Hundred *and* Twenty Five Pounds, *towards erecting a new Goal in the City of* New-York.

Paſs'd the 1ſt December, 1756.

CHAP. CXII.

Obſolete.

An ACT *to apply ſeveral Sums of Money for the Payment and Cloathing of the Forces in the Pay of this Colony, and for diſcharging the ſeveral public Debts therein mentioned.*

Paſs'd the 1ſt December, 1756.

CHAP. CXIII.

Obſolete.

An ACT *for the Payment of the Salaries of the ſeveral Officers of the Government to the Firſt Day of* September, *in the Year of Our Lord One Thouſand Seven Hundred and Fifty Six.*

Paſs'd the 1ſt December, 1756.

CHAP. CXIII. a

Obſolete.

An ACT *for the Payment of the Salaries of the ſeveral Officers of the Government, from the Firſt Day of* September, *in the Year of Our Lord One Thouſand Seven Hundred and Fifty Six, to the Firſt Day of* September, *in the Year of Our Lord One Thouſand Seven Hundred and Fifty Seven.*

Paſs'd the 1ſt December, 1756.

CHAP. CXIV.

* 1 Vol. Chap. 666.

An ACT *further to continue the Currency of the Bills of Credit emitted by Virtue of an Act, entitled, An* * Act *for emitting Bills of Credit for the Payment of the Debts, and for the better Support of the Government of this Colony, and other Purpoſes therein mentioned.*

Paſs'd the 1ſt December, 1756.

WHEREAS an Act, entitled, *An* Act *for emitting Bills of Credit, for the Payment of the Debts and for the better Support of the Government of this Colony, and other Purpoſes therein mentioned,* paſſed in the Eleventh Year of his Majeſty's Reign, has by ſeveral ſubſequent Acts been prolonged and continued until the third Tueſday in *April,* which will be in the Year of our Lord One Thouſand Seven Hundred and Fifty-ſeven. AND WHEREAS the Circumſtancees of the Colony, ſtill require the Aid of the Intereſt Money, ariſing on the Bills of Credit iſſued by Virtue of the Act firſt aforeſaid, for ſupporting the Government thereof:

I. Be

30th GEORGE II A. D. 1756.

I. **Be it therefore Enacted** *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That the Time for which the ſaid Intereſt Money ſtands appropriated for the Support of the Government of this Colony, by the laſt ſubſequent Act aforeſaid, entitled, *An* Act *further to prolong the Currency of the Bills of Credit, emitted by Virtue of an Act,* entitled, *An* Act *for emitting Bills of Credit for the Payment of the Debts, and for the better Support of the Government of this Colony, and other Purpoſes therein mentioned,* ſhall be, and hereby is deferred, removed, and further prolonged, until the third Tueſday in the Month of *April,* which will be in the Year One Thouſand Seven Hundred and Fifty-eight; any thing in any of the aforeſaid Acts to the contrary notwithſtanding. And that at the Time laſt mentioned, one Fourth-part of the ſaid Bills of Credit, and the Remainder thereof, in the Three next ſucceeding Years, ſhall be paid in, cancelled, and deſtroyed, at the Times and in the Manner directed in and by an Act, entitled, *An* Act *for the more effectual cancelling the Bills of Credit of this Colony,* paſſed in the Twenty-firſt Year of his Majeſty's Reign: And that as well the ſaid firſt mentioned Act, as one other Act, entitled, *An* Act *to facilitate and explain the Duty of the Loan Officers in this Colony,* paſſed in the ſaid Eleventh Year of his Majeſty's Reign, and every the Clauſes, Articles, Matters, and Things in them contained, ſhall be, and hereby are Enacted, to continue and remain of full Force and Virtue, to all Intents, Conſtructions, and Purpoſes whatſoever, until the third Tueſday in *April,* which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-one; any Thing in the ſaid Acts to the contrary notwithſtanding.

The Time for which the Intereſt Money ſtands appropriated for the Support of the Government of this Colony, prolonged.

II. **And be it further Enacted** *by the Authority aforeſaid,* That the ſaid Bills, during the Time they are hereby Enacted to remain Current, ſhall continue to be put out at Intereſt, in the ſame Manner and Method as in the ſaid firſt mentioned Act is directed; and that all the Intereſt Money which may ariſe on them during that Time, ſhall from Time to Time be employed to, and for the Support of the Government of this Colony, in ſuch Manner as ſhall by Act or Acts hereafter to be paſſed for that Purpoſe, be ordered and directed, and not otherwiſe; except ſo much thereof as may be neceſſary for ſinking and cancelling the Sum of *Eight Thouſand, Fifty-nine Pounds, Fourteen Shillings,* and *Eleven Pence,* emitted in Bills of Credit by Virtue of the Act firſt aforeſaid, for paying the Debts then due from this Colony.

During which Time the ſaid Bills to be put out on Intereſt.

III. **And be it further Enacted** *by the Authority aforeſaid,* That the Loan Officers of the ſeveral Cities and Counties within this Colony, for the Time being, ſhall be, and hereby are fully authorized and impowered, to alter the Form of all ſuch Mortgages, as ſhall by them, or any of them, hereafter be taken in any of their Offices, in Relation to the Time and Times of Payment, in ſuch Manner as to make the ſame anſwerable to the true Intent and Meaning of this Act; any Thing in any the aforeſaid Acts to the contrary notwithſtanding.

The Loan Officers impowered to alter the Form of Mortgages, to anſwer the Intent of this Act.

IV. **And be it further Enacted** *by the Authority aforeſaid,* That whenſoever the Loan Officers of the ſeveral Cities and Counties of this Colony ſhall, from the Information of any one of the Superviſors in the reſpective Counties of this Colony, or from the Information of the Juſtices and Veſtry-Men of the City of *New-York,* or the major Part of them, have ſufficient Reaſon to ſuſpect the Inſufficiency of any of the Securities taken or to be taken, for any Sums of Money lent or to be lent out of any of their ſeveral Offices, either as to the Value or Title of the ſaid Securities; they the ſaid Loan Officers ſhall be, and

And if they ſuſpect the Inſufficiency of Sureties, to demand Payment of the principal Sums, notwithſtanding the due Payment of

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hereby are impowered and required to demand Payment of the principal Sums, notwithſtanding the due Payment of the Intereſt thereof, or further ſufficient Security; and upon Failure of due Payment of ſuch principal Sums, or refuſing or neglecting to give further ſufficient Security, within fourteen Days after ſuch Demand made, to proceed to the Sale of the mortgaged Lands, or to ſuch other Remedy as is given by the firſt aforeſaid Act; according to the Nature of the Caſe, and therein to purſue the Rules and Directions preſcribed in and by the ſaid Act; any Thing therein contained to the contrary notwithſtanding.

the Intereſt thereof, or further ſufficient Security;

and upon Failure of Payment to ſell the mortgaged Lands.

V. **And be it Enacted** *by the Authority aforeſaid*, That if any of the Perſons who became Securities for the Loan Officers, purſuant to the firſt aforeſaid Act, ſhall be deſirous of being diſcharged from continuing longer under their ſaid Engagements, they ſhall give Notice thereof in Writing to the Superviſors of the reſpective Counties, or to the Mayor, and Aldermen of the reſpective Cities where they ſtand engaged, between the firſt Tueſday of *February*, and the firſt Tueſday of *March*, One Thouſand Seven Hundred and Fifty-ſeven: And the ſaid Superviſors, or Mayor, and Aldermen reſpectively, ſhall immediately thereafter give Notice in Writing to the reſpective Loan Officers, whoſe Sureties ſo deſire to be diſcharged, that he, or they, do by the firſt Tueſday of *April* then next following, provide and give new Surety. And in Caſe any of the ſaid Loan Officers ſo notified as aforeſaid, ſhall fail in giving new Surety, to the Satisfaction of the ſaid Superviſors, or Mayor, and Aldermen reſpectively, by the ſaid Day; then the ſaid Superviſors, or Mayor, and Aldermen reſpectively, ſhall proceed to the Choice of a new Loan Officer, or Loan Officers, in the Room and Stead of ſuch ſo failing; and in their Proceedings thereon, ſhall purſue the Directions of the firſt aforeſaid Act, with Reſpect to the Choice of new Loan Officers, in the ſeveral Caſes therein mentioned; any Thing in this, or the aforeſaid Acts, to the contrary notwithſtanding.

If any of the Loan-Officers Securities be deſirous to be diſcharged from their Engagements, to give Notice thereof,

and others are to be provided.

CHAP. CXV.

An ACT *further to continue an Act, entitled, An* Act *for granting to his Majeſty, the ſeveral Duties and Impoſitions on Goods, Wares, and Merchandizes imported into this Colony, therein mentioned.*

See Chap. 73. ante. Continued by Chap. 124, poſt

Paſs'd the 1ſt December, 1756.

WHEREAS the ſeveral Duties and Impoſitions on Goods, Wares, and Merchandizes, imported into this Colony, and granted for the Support of his Majeſty's Government in this Colony, by the above mentioned Act, have by ſubſequent Acts been continued to the firſt Day of *January* next; and the General Aſſembly being willing to make Proviſion for the further Support thereof:

Preamble.

I. **Be it Enacted** *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame*, That the aboveſaid Act, entitled, *An* Act *for granting to his Majeſty the ſeveral Duties and Impoſitions on Goods, Wares, and Merchandizes, imported into this Colony, therein mentioned*; ſhall be, and hereby is continued, and every Clauſe, Matter, and Thing therein contained, enacted to be and remain in Force, to all Intents, Conſtructions, and Purpoſes whatſoever, from the ſaid firſt Day of *January* next, until the firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Fifty-eight, both Days incluſive.

Act continued.

CHAP.

30th GEORGE II
A.D. 1756.

CHAP. CXVI.

An ACT *for appropriating the Monies raiſed by diverſe Lotteries, for erecting or founding a College in this Colony.*

Paſs'd the 1ſt December, 1756.

Preamble.

WHEREAS by diverſe Acts of the Governor, Council, and General Aſſembly of this Colony, ſeveral Sums of Money have been raiſed by Way of Lottery, for the erecting or founding a College for the Advancement of Learning in this Colony: Which Sums of Money are now veſted in the Truſtees appointed by an Act paſſed in the Twenty Fifth Year of his preſent Majeſty's Reign, entitled, *An* Act *for veſting in Truſtees, the Sum of* Three Thouſand Four Hundred and Forty-three Pounds Eighteen Shillings, *raiſed by Way of Lottery for erecting a College within this Colony*; and hath by them been put out at Intereſt from Time to Time, and not yet diſpoſed of by any Act for that Purpoſe made.

One-half of the Monies raiſed by diverſe Lottery Acts, to be appropriated for erecting a College;

I. **Be it therefore Enacted** *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That the one full and equal Moiety, or Half-part of the ſaid Monies, raiſed by Way of Lottery as aforeſaid, and the Intereſts and Profits of the ſaid Moiety, ſhall be, and hereby is, veſted in the Governors of the College of the Province of *New-York*, in the City of *New-York*, in *America*; and ſhall and may be diſpoſed of by them, in ſuch Manner as to them ſhall ſeem beſt for the Advancement of Learning in the ſaid College: And the Receipt of the ſaid Governors, or their Treaſurer, to the Treaſurer of this Colony for the ſaid one Moiety, or Half-part of the Monies ſo raiſed, and the Intereſt thereof, or any Security or Securities for the ſame, or any Part thereof taken, ſhall be good and ſufficient Diſcharges to him for the ſame, or any Part thereof; any Thing in either of the ſaid Acts to the contrary thereof notwithſtanding. And the ſaid Governors are hereby fully impowered and authorized, in their own Name, as Governors of the College of the Province of *New-York*, in the City of *New-York*, in *America*; or in the Name or Names of the Perſon or Perſons to whom ſuch Security or Securities is or are given or made payable, or the Survivor or Survivors of them, or the Executors or Adminiſtrators of ſuch Survivor, to ſue for, and recover the Monies due on ſuch Security or Securities, to and for the Uſe of the ſaid College.

The other Half-part for erecting a Peſt-Houſe,

and a new public Goal.

II. **And be it further Enacted** *by the Authority aforeſaid,* That the other full and equal Moiety, or Half-part of the ſaid Monies, raiſed by Way of Lottery as aforeſaid, and the Intereſt and Profits of the ſaid Moiety, or ſuch Part thereof as ſhall be requiſite for that Purpoſe, ſhall be applied for and towards the purchaſing (if neceſſary) a ſufficient and ſuitable Quantity of Land, in or nigh the City of *New-York*, and for building and erecting thereon a proper Peſt-Houſe, for the Reception of ſuch Perſons as may be infected with any contagious Diſtempers. And all the Reſidue of the ſaid Money, ſhall be employed to and for the erecting a new publick Goal in the City of *New-York*, in Lieu of that which is now in the City-Hall of the ſaid City. And the Treaſurer of this Colony, is hereby required to pay the ſame to the Mayor, Aldermen, and Commonalty of the City of *New-York*, or their Order; and the Receipt of the ſaid Mayor, Aldermen, and Commonalty of the City of *New-York*, or their Order, to the Treaſurer of this Colony, for the ſaid remaining Moiety,

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Moiety, or Half-part of the Monies ſo raiſed, and the Intereſt thereof, or any Security or Securities for the ſame, or any Part thereof, taken, ſhall be good and ſufficient Diſcharges to him for the ſame, or any Part thereof; any Thing in either of the ſaid Acts to the contrary thereof notwithſtanding. And the ſaid Mayor, Aldermen, and Commonalty of the City of *New-York*, are hereby fully authorized and impowered, in their own Name, or in the Name or Names of the Perſon or Perſons to whom ſuch Security or Securities are given or made payable, or the Survivor or Survivors of them, or the Executors or Adminiſtrators of ſuch Survivor, to ſue for, and recover the Money due on ſuch Security or Securities, to and for the Uſes and Purpoſes aforeſaid.

The Treaſurer to pay the Sum of 500l. yearly to the Governors of the College.

III. **And be it further Enacted** *by the Authority aforeſaid*, That the annual Sum of *Five Hundred Pounds*, directed to be paid by the Treaſurer of this Colony, in and by an Act, entitled, *An* Act *further to continue the Duty of Exciſe, and the Currency of the Bills of Credit emitted thereon, for the Purpoſes in the former Act, and herein mentioned*, to the Truſtees aforeſaid, for and during the Term of Seven Years, from the firſt Day of *January* One Thouſand Seven Hundred and Fifty Four, ſhall, yearly, and every Year hereafter, be paid by the Treaſurer of this Colony, to the ſaid Governors of the College of the Province of *New-York*, in the City of *New-York*, in *America*, and their Succeſſors; together with all the Monies received, or that is become due for the Tuition of the Scholars in the Seminary; and alſo, all the Monies received by the ſaid Treaſurer, of the ſaid annual Sum, and not expended by the ſaid Truſtees, except as herein after is excepted. And the ſaid Governors are hereby made liable and chargeable with any Contract or Contracts entered into, or made, by the ſaid Truſtees, with the chief Maſter, or any other Maſters, for the Inſtruction of Youth, in Purſuance of the Power and Authority given them in and by the ſaid Act, entitled, *An* Act *further to continue the Duty of Exciſe, and the Currency of the Bills of Credit emitted thereon, for the Purpoſes in the former Act, and herein mentioned.* And the ſaid Truſtees are hereby abſolutely and wholly diſcharged and acquitted of and from ſuch Contract or Contracts; and the Receipt of the ſaid Governors of the ſaid College, or their Treaſurer, ſhall be, from Time to Time, a good and ſufficient Diſcharge to the Treaſurer of this Colony for the ſame.

who are made chargeable with all Contracts entered into by the Truſtees.

The Truſtees acquitted of ſuch Contracts.

Proviſo.

IV. **Provided always, and be it Enacted** *by the Authority aforeſaid*, That the Treaſurer of this Colony ſhall, and hereby is directed and required, to apply the Sum of *Five Hundred Pounds*, Part of the ſaid annual Sum now in his Hands, or that ſhall firſt come into his Hands, in Purſuance of the ſaid Act, for and towards ſinking and cancelling the Bills of Credit of this Colony, emitted on the Credit of the Duty of Exciſe on Strong Liquors retailed in this Colony.

V. **And be it further Enacted** *by the Authority aforeſaid*, That the ſaid Truſtees are hereby diſcharged of and from any further Truſt, Powers and Authorities given or granted to them, in and by the ſaid Acts, or either of them.

CHAP.

30th GEORGE II. A. D. 1757.

The Twentieth ASSEMBLY.

EIGHTH SESSIONS.

CHAP. CXVII.

An ACT *for applying ſeveral Sums of Money for the Payment and Cloathing of the Forces, to be furniſhed by this Colony, to act in Conjunction with His Majeſty's Regular Troops, and thoſe of the neighbouring Colonies, againſt the Subjects of the* French *King; and for providing other Neceſſaries requiſite for the ſaid Forces.*

Obſolete.

Paſs'd the 26th February, 1757.

CHAP. CXVIII.

An ACT *for the ſpeedy and effectual recruiting the Forces to be furniſhed by this Colony, to act in Conjunction with His Majeſty's Regular Troops and thoſe of the neighbouring Colonies, againſt the Subjects of the* French *King.*

Obſolete.

Paſs'd the 26th February, 1757.

CHAP. CXIX.

An ACT *for regulating the Pilots, and eſtabliſhing their Pilotage between* Sandy-Hook *and the Port of* New-York, *and other Purpoſes therein mentioned.*

Continued by Chap. 142, poſt.

Paſs'd the 26th February, 1757.

CHAP. CXX.

An ACT *to amend an Act, entitled An Act, for regulating the Militia of the Colony of* New-York.

See Chap. 51, Chap. 75, and Chap. 103, ante. continued Chap. 126.

Paſs'd the 26th February, 1757.

Preamble.

WHEREAS in and by the aforeſaid Act, it is Provided and Enacted, That at the Beacons therein appointed to be erected, a Guard or Watch ſhall be kept, to give Notice of the Approach of any Enemy by Sea, whenever the Governor or Commander in Chief for the Time being, ſhall think proper to order and direct the ſame; ſuch Watch to conſiſt of Detachments from the Militia of the ſeveral Counties wherein the ſaid Beacons are appointed to be erected: But it being judged more ſafe to have the ſaid Beacons conſtantly watched by fit Perſons particularly appointed for that Purpoſe;

Two fit Perſons to be appointed to attend and watch the Beacons.

I. Be it Enacted *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* Enacted *by the Authority of the ſame,* That whenever the Governor, or Commander in Chief, ſhall order ſuch Watch to

30th GEORGE II A. D. 1757.

be kept, the Colonel, or next commanding Officer of the Militia of the ſeveral and reſpective Counties where the Beacons are erected, ſhall be, and hereby are, impowered and authorized, to appoint two fit and proper Perſons to attend and watch at the ſaid Beacons, for whoſe Time and Attendance, a reaſonable Allowance ſhall be made, by the Supervizors of the ſaid ſeveral and reſpective Counties, who ſhall be, and hereby are, impowered and required, to cauſe the ſame to be raiſed, levied and collected with their other County Charges. And the ſaid Perſons ſo appointed to watch, and have the Care and Charge of the ſaid Beacons, ſhall do, obſerve and perform, all the Directions of the ſaid Act, under the Penalties therein contained; any Thing in the ſaid Act to the contrary notwithſtanding.

Warrants to recover the Fines and Forfeitures of the United Brethern and Quakers, how to be directed and executed.

II. And whereas it is Enacted and Declared, in and by the aforeſaid Act, That the ſeveral Rates, Penalties, Fines and Forfeitures, which ſhould accrue and grow due from the People called the *United Brethern*, and from the People called *Quakers*, ſhould be paid to the reſpective City or County Treaſurers where the ſame ſhould ariſe; and that on Non-payment thereof, ſuch Treaſurers reſpectively, ſhould forthwith make Application to any one Juſtice of the Peace, for a Warrant to levy the ſame, by Diſtreſs and Sale of the Offender's Goods: But it not being mentioned to whom the ſaid Warrant ſhould be directed, a Doubt has ariſen touching the Execution of the ſaid Warrant. For clearing which Doubt, **Be it Enacted** *by the Authority aforeſaid*, That the ſaid Warrant ſhall be directed to, and executed by, the Conſtables of the reſpective Cities, Towns, Manors, or Precincts, within whoſe Limits the ſaid People dwell and reſide; and the Monies levied by them, paid unto the reſpective City or County Treaſurers, according to the Directions of the ſaid Act. And in caſe any of the ſaid Rates, Penalties, Fines and Forfeitures heretofore incurred, remain yet unpaid, the reſpective City and County Treaſurers, are hereby impowered, enjoined, and required, to cauſe the ſame to be forthwith levied after the Publication of this Act.

Of Court-Martials.

III. And whereas in and by the aforeſaid Act, it is Enacted and Declared, That whenever it ſhall be found neceſſary to conſtitute and appoint a Court-Martial in any of the Regiments of this Colony, the Colonel ſhall return himſelf, and the next commanding Officer of the Regiment, and Twenty-four other commiſſioned Officers of his Regiment, to the Governor, or Commander in Chief for the Time being, who ſhall commiſſionate, under the Great Seal of this Colony, Thirteen out of the ſaid Twenty-ſix to be a Court-Martial; **Be it Enacted** *by the Authority aforeſaid*, That the ſaid Court-Martial ſhall conſiſt of Thirteen of the eldeſt of thoſe who ſhall attend to form the ſaid Court-Martial; any Thing in the aforeſaid Act to the contrary notwithſtanding.

CHAP. CXXI.

Chap. 96, ante. Continued Chap. 305.

An ACT *to revive an Act, entitled an Act, for the better apprehending and ſecuring Deſerters from his Majeſty's Forces in* North-America, *with an Addition thereto.*

Paſs'd the 26th February, 1757.

WHEREAS an Act, entitled *An* Act, *for the better apprehending and ſecuring Deſerters from his Majeſty's Forces in* North-America, made and paſſed in this preſent Thirtieth Year of his Majeſty's Reign, expired on the firſt Day of *January* laſt: And it appearing neceſſary, particularly at this critical and extraordinary Conjuncture, that the ſame be revived; I. Be

30th GEORGE II A.D. 1757.

Act continued.

I. **Be it therefore Enacted** *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That the aforeſaid Act, entitled *An* Act, *for the better apprehending and ſecuring Deſerters from his Majeſty's Forces in* North-America; ſhall be, and hereby is revived, and every Article, Matter, and Clauſe therein contained, enacted to be and remain in full Force, to all Intents, Conſtructions and Purpoſes whatſoever, from the Publication hereof, until the firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Fifty-eight.

Forfeitures for carrying off Deſerters.

II. **And be it further Enacted** *by the Authority aforeſaid,* That if any Captain of a private Veſſel of War, or Maſter of any trading Veſſel, ſhall, during the Continuance of this Act, take on board and carry off, or tranſport out of this Colony, any ſuch Deſerter or Deſerters, as are meant and intended by the aforeſaid Act, to be apprehended, ſeized, and taken up; the ſaid Perſon or Perſons ſo offending ſhall, for each Deſerter he or they ſhall ſo carry off, forfeit and pay the Sum of *Fifty Pounds*: And every Boatman, Ferry-man, or other Perſon or Perſons whomſoever, who ſhall carry over any River, Creek, Bay, or Ferry within this Colony, or out of this into any other Colony, any ſuch Deſerter or Deſerters, the Perſon or Perſons ſo offending, ſhall, for each ſuch Deſerter ſo carried over, forfeit the Sum of *Ten Pounds*. The aforeſaid reſpective Forfeitures, to be ſued for, and recovered in any Court of Record within this Colony, by any Perſon or Perſons who ſhall ſue for the ſame, and applied to his, her, or their Uſe and Benefit.

III. **And be it Enacted,** That this Act, and the Act firſt above-mentioned, ſhall be, and hereby are extended, and ſhall be conſtrued to extend, to the Forces in the Pay of this Colony.

CHAP. CXXII.

An ACT *to amend an Act, entitled, An* * Act *to limit and aſcertain the Rates to be taken for Carriages employed or empreſſed in his Majeſty's Service in this Colony.*

Paſs'd the 26th February, 1757.

* Chap. 95, ante.

Repealed by Chap. 162.

CHAP. CXXIII.

An ACT *to revive an Act, entitled, An* Act *to enable the Creditors of inſolvent Debtors, who are willing to give up their Effects, to diſpoſe of the ſame for the Benefit of the Creditors, and to releaſe the ſaid Debtors from Confinement.*

Paſs'd the 26th February 1757.

See Chap. 59, Chap. 77, ante. See alſo Chap. 163.

Preamble.

WHEREAS an Act, entitled, *An* Act *to enable the Creditors of inſolvent Debtors, who are willing to give up their Effects, to diſpoſe of the ſame for the Benefit of the Creditors, and to releaſe the ſaid Debtors from Confinement,* made and paſſed in the Twenty-ninth Year of His Majeſty's Reign, expired by its own Limitation (as to the Liberty of Creditors petitioning) on the firſt Day of *January* laſt paſt. And whereas ſuch Debtors, are always proper Objects of Compaſſion; and the ſaid Act having, by Experience, been found to anſwer all the good Ends and Purpoſes intended thereby, it is conceived equitable, juſt and reaſonable, that the ſame ſhould be revived:

I. Be

30th GEORGE II A. D. 1757.

I. **Be it therefore Enacted** *by his Excellency the Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That the aforeſaid Act, entitled, *An* Act *to enable the Creditors of inſolvent Debtors, who are willing to give up their Effects, to diſpoſe of the ſame for the Benefit of the Creditors, and to releaſe the ſaid Debtors from Confinement,* ſhall be, and hereby is revived; and every Clauſe, Article, Matter and Thing therein contained, re-enacted, and ſhall be and remain in full Force and Virtue, to all Intents Conſtructions and Purpoſes whatſoever, from the Publication hereof, until the firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty Three, as to the Liberty of Creditors petitioning, and no longer; but ſhall continue and be in Force, as to the Power of every Court, Perſon, Aſſignee or Aſſignees, appointed in Purſuance of the ſaid Act, until a full and final Settlement and Diviſion ſhall be made by them, according to the true Intent and Meaning of the ſaid Act.

Act continued.

Sir CHARLES HARDY, *Knight, being advanced to the Rank of Rear-Admiral, and having Leave to reſign this Government, the Chief Command again devolved on*

JAMES DE LANCEY, Eſq; Lieutenant-Governor.

CHAP. CXXIV.

See Chap. 115, ante.

Continued by Chap. 143.

An ACT *further to continue an Act, entitled an Act, for granting to His Majeſty the ſeveral Duties and Impoſitions on Goods, Wares, and Merchandizes imported into this Colony, therein mentioned.*

Paſs'd the 24th December, 1757.

WHEREAS the ſeveral Duties and Impoſitions on Goods, Wares and Merchandizes imported into this Colony, and granted for the Support of his Majeſty's Government, by the above-mentioned Act, have by ſubſequent Acts, been continued to the firſt Day of *January* next: And the General Aſſembly being willing to make Proviſion for the further Support thereof;

I. **Be it Enacted** *by his Honour the Lieutenant Governor, the Council, and General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* that the above-mentioned Act, entitled *An* Act *for granting to his Majeſty the ſeveral Duties and Impoſitions on Goods, Wares and Merchandizes imported into this Colony therein mentioned*; ſhall be, and hereby is continued, and every Clauſe, Matter and Thing therein contained, enacted to be and remain in Force, to all Intents, Conſtructions and Purpoſes whatſoever, from the ſaid firſt Day of *January* next, until the firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Fifty-nine, both Days incluſive.

Act continued.

CHAP. CXXV.

Obſolete.

An ACT *for the Payment of the Salaries and Services therein mentioned, to the firſt Day of* September, *One Thouſand Seven Hundred and Fifty-eight.*

Paſs'd the 24th December, 1757.

CHAP.

30th GEORGE II A. D. 1757.

CHAP. CXXVI.

An ACT *further to continue an Act, entitled, An* Act *for regulating the Militia of the Colony of* New-York, *together with the two Acts therein mentioned, respecting the regulating the Militia of* New-York, *with an Addition thereto.*

See Chap. 51. Chap. 75, Chap. 103, and Chap. 120. Continued by Chap. 148.

Pass'd the 24th December, 1757.

BE it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby* Enacted *by the Authority of the same,* That the Act aforesaid, entitled, *An* Act *for regulating the Militia of the Colony of* New-York; passed in the Twenty-eighth Year of his Majesty's Reign: And likewise one other Act, entitled, *An Act to continue an Act, entitled An Act, for regulating the Militia of the Colony of* New-York, *with some Additions thereto,* passed in the Twenty-ninth Year of his Majesty's Reign: And also one other Act, entitled, *An Act to amend an Act, entitled An Act, for regulating the Militia of the Colony of* New-York, passed in the Thirtieth Year of his Majesty's Reign; shall be, and hereby are continued, and every Clause, Article, Matter and Thing in the said Three Acts contained, enacted to be and remain in full Force and Virtue, to all Intents, Constructions and Purposes whatsoever, from the first Day of *January* next, until the first Day of *January;* which will be in the Year of our Lord One Thousand Seven Hundred and Fifty-nine.

Act continued.

II. AND whereas in the Counties of *Ulster* and *Orange,* there are several Places inhabited, which lie at a great Distance from the respective Colonels or Commanding Officers of the Regiments in the said Counties, and consequently the waiting for their Orders would much expose such Places to the Ravages of small Parties of the Enemy: Be it therefore Enacted *by the Authority aforesaid,* That the Captains, or next commanding Officers of the several and respective Companies, within the respective Counties aforesaid, nearest to any such Place as shall be invaded, shall immediately call together his or their Company or Companies, and forthwith march them towards, and use their utmost Endeavours to repel and drive off the Enemy; and on the first Notice of such Invasion, shall dispatch an Express to the commanding Officer of one of the respective Regiments of the said Counties, with Intelligence thereof, and of the Number and Motion of the Enemy, according the best Information he or they shall have obtained: Any Thing in any of the said Acts to the contrary notwithstanding.

Additional Clause

The Captains or next commanding Officers of the respective Companies in Ulster and Orange shall immediately march their Companies to repel the Enemy, &c.

CHAP. CXXVII.

An ACT *to continue an Act, entitled* An *Act, for erecting and establishing a Stamp-Office in this Colony, for stamping all Vellum, Parchment and Paper charged with the several Duties therein mentioned.*

See Chap. 108. Continued by Chap. 146, post.

Pass'd the 24th December, 1757.

CHAP. CXXVIII.

An ACT *to continue an Act, entitled* An *Act, for laying an Excise upon all Tea of Foreign Growth retailed within this Colony, with an Addition thereto.*

Chap. 107. Continued by Chap. 147.

Pass'd the 24th December, 1757.

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CHAP. CXXIX.

An ACT *further to continue an Act, entitled,* * *An* Act *to prevent the Exportation of unmerchantable Flour, and the falſe taring of Bread and Flour Caſk.*

1 Vol. Chap. 899. See Chap. 4, ante

Paſs'd the 24th December, 1757.

BE it Enacted *by his Honour the Lieutenant Governor, the Council, and General Aſſembly, and it is hereby* Enacted *by the Authority of the ſame,* That one Act, entitled, *An* Act *to prevent the Exportation of unmerchantable Flour, and the falſe taring of Bread and Flour Caſk,* paſſed in the Twenty-fourth Year of his Majeſty's Reign, and by a ſubſequent Act, continued to the firſt Day of *January,* next; ſhall be, and hereby is further continued, and every Clauſe, Matter and Thing therein contained, enacted to be and remain in full Force, to all Intents, Conſtructions and Purpoſes whatſoever, until the firſt Day of *January,* which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-five.

Act continued.

II. AND whereas it is Provided and Enacted, in and by the aforeſaid Act, That all Wheat Flour, bolted for Exportation, ſhall, by the Bolter thereof, be made merchantable, and of due Fineſs, and honeſtly and well packed in good ſtrong Caſks, well made, and of Staves well ſeaſoned, with the Tare of the Caſk marked thereon; and each and every Caſk thereof well and ſufficiently nailed, on the Forfeiture of *One Shilling* for each Caſk made contrary to the ſaid Proviſion. Which ſaid Forfeiture of *One Shilling* being conceived too high; Be it Enacted *by the Authority aforeſaid,* That for and during the Continuance of this Act, the Forfeiture for the ſaid Offence ſhall be *Three-pence* for each Caſk, and no more; any Thing in this or the aforeſaid Act to the contrary notwithſtanding.

Forfeiture laid by the former Act reduced to Three-pence.

CHAP. CXXX.

An ACT *to continue an Act, entitled* * An *Act for billeting and quartering his Majeſty's Forces within this Colony.*

* Chap. 110, ante.

Continued by Chap. 149, poſt.

Paſs'd the 24th December, 1757.

CHAP. CXXXI.

An ACT *to regulate the collecting the Duty of Exciſe on Strong Liquors retailed in this Colony, from the firſt of* January, *One Thouſand Seven Hundred and Fifty-eight, to the firſt Day of* January, *One Thouſand Seven Hundred and Fifty-nine.*

Expired 1ſt Jan. 1759.

Paſs'd the 24th December, 1757.

CHAP. CXXXII.

An ACT *further to continue an Act, entitled an Act, to regulate the Guaging of Rum, Brandy, and other deſtilled Liquors, and Molaſſes, and other Purpoſes therein mentioned.*

See Chap. 2, ante.

Paſs'd the 24th December, 1757.

BE it Enacted *by his Honour the Lieutenant Governor, the Council, and General Aſſembly, and it is hereby* Enacted *by the Authority of the ſame,* That one Act, entitled *An* Act *to regulate the Guaging of Rum, Brandy, and*

Act continued.

and other distilled Liquors, and Molasses, and other Purposes therein mentioned, passed in the Twenty-fourth Year of his Majesty's Reign, and by a subsequent Act, continued to the first Day of *January* next, shall be, and hereby is further continued, and every Clause, Matter and Thing therein contained, enacted to be and remain in Force, to all Intents, Constructions and Purposes whatsoever, from the said first Day of *January* next, until the first Day of *January*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty Five.

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CHAP. CXXXIII.

An ACT *further to continue the Currency of the Bills of Credit, emitted by Virtue of an Act, entitled* An *Act, for emitting Bills of Credit, for the Payment of the Debts, and for the better Support of the Government of this Colony, and other Purposes therein mentioned.*

Pass'd the 24th December, 1757.

WHEREAS an Act, entitled An *Act, for emitting Bills of Credit, for the Payment of the Debts, and for the better Support of the Government of this Colony, and other Purposes therein mentioned,* passed in the Eleventh Year of his Majesty's Reign, has by several subsequent Acts, been prolonged and continued until the third Tuesday in *April,* which will be in the Year of our Lord One Thousand Seven Hundred and Fifty-eight. AND whereas the Circumstances of the Colony, still require the Aid of the Interest Money arising on the Bills of Credit issued by Virtue of the Act first aforesaid, for supporting the Government thereof.

Preamble.

I. BE it therefore Enacted *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby* Enacted *by the Authority of the same;* That the Time for which the said Interest Money stands appropriated for the Support of the Government of this Colony, by the last subsequent Act aforesaid, entitled An *Act, further to prolong the Currency of the Bills of Credit emitted by Virtue of an* Act, *entitled an* Act, *for emitting Bills of Credit for the Payment of the Debts, and for the better Support of the Government of this Colony, and other Purposes therein mentioned,* shall be, and hereby is deferred, removed, and further prolonged, until the third Tuesday in the Month of *April,* which will be in the Year of our Lord One Thousand Seven Hundred and Fifty-nine; any Thing in any of the aforesaid Acts to the contrary notwithstanding. And that at the Time last mentioned, One-fourth Part of the said Bills of Credit, and the Remainder thereof, in the three next succeeding Years, shall be paid in, cancelled, and destroyed, at the Times and in the Manner directed in and by an Act, entitled *An* Act, *for the more effectual cancelling the Bills of Credit of this Colony,* passed in the Twenty-first Year of his Majesty's Reign: And that as well the said first mentioned Act, as one other Act, entitled *An* Act, *to facilitate and explain the Duty of the Loan Officers in this Colony,* passed in the said Eleventh Year of his Majesty's Reign; and every the Clauses, Articles, Matters and Things in them contained, shall be, and hereby are enacted, to continue and remain of full Force and Virtue, to all Intents, Constructions and Purposes whatsoever, until the third Tuesday in *April,* which will be in the Year of our Lord One Thousand Seven Hundred and Sixty-two; any Thing in the said Acts to the contrary notwithstanding.

The Time for which the Interest Money stands appropriated for the Support of the Government of this Colony, prolonged.

II. AND be it further Enacted *by the Authority aforesaid,* That the said Bills, during the Time they are hereby enacted to remain current, shall continue to

30th GEORGE II A. D. 1757.

to be put out at Intereſt, in the ſame Manner and Method as in the ſaid firſt mentioned Act is directed; and that all the Intereſt Money which may ariſe on them during that Time, ſhall from Time to Time be employed to and for the Support of the Government of this Colony, in ſuch Manner as ſhall by Act or Acts hereafter to be paſſed for that Purpoſe, be ordered and directed, and not otherwiſe, except ſo much thereof as may be neceſſary for ſinking and cancelling the Sum of *Eight Thouſand and Fifty-nine Pounds Fourteen Shillings and Eleven-pence*, emitted in Bills of Credit by Virtue of the Act firſt aforeſaid, for paying the Debts then due from this Colony.

During which Time the ſaid Bills to be put out at Intereſt.

III. **And be it further Enacted** *by the Authority aforeſaid*, That the Loan Officers of the ſeveral Cities and Counties within this Colony, for the Time being, ſhall be, and hereby are fully authorized and impowered, to alter the Form of all ſuch Mortgages, as ſhall by them, or any of them, hereafter be taken in any of their Offices, in Relation to the Time and Times of Payment, in ſuch Manner as to make the ſame anſwerable to the true Intent and Meaning of this Act; any Thing in any the aforeſaid Acts to the contrary notwithſtanding.

The Loan Officers impowered to alter the Form of Mortgages, to anſwer the Intent of this Act.

IV. **And be it further Enacted** *by the Authority aforeſaid*, That whenſoever the Loan Officers of the ſeveral Cities and Counties of this Colony ſhall, from the Information of any one of the Supervizors in the reſpective Counties of this Colony, or from the Information of the Juſtices and Veſtry-Men of the City of *New-York*, or the major Part of them, have ſufficient Reaſon to ſuſpect the Inſufficiency of any of the Securities taken or to be taken, for any Sums of Money lent or to be lent out of any of their ſeveral Offices, either as to the Value or Title of the ſaid Securities; they, the ſaid Loan Officers ſhall be, and hereby are impowered and required, to demand Payment of the principal Sums, notwithſtanding the due Payment of the Intereſt thereof, or further ſufficient Security; and upon Failure of due Payment of ſuch principal Sums, or refuſing or neglecting to give further ſufficient Security, within fourteen Days after ſuch Demand made, to proceed to the Sale of the mortgaged Lands, or to ſuch other Remedy as is given by the firſt aforeſaid Act, according to the Nature of the Caſe, and therein to purſue the Rules and Directions preſcribed in and by the ſaid Act; any Thing therein contained to the contrary notwithſtanding.

And if they ſuſpect the Inſufficiency of Sureties, to demand Payment of the Principal Sums, notwithſtanding the due Payment of the Intereſt thereof, or further ſufficient Security;

and upon Failure of Payment to ſell the mortgaged Lands.

V. **And be it Enacted** *by the Authority aforeſaid*, That if any of the Perſons who became Securities for the Loan Officers, purſuant to the firſt aforeſaid Act, ſhall be deſirous of being diſcharged from continuing longer under their ſaid Engagements, they ſhall give Notice thereof in Writing to the Supervizors of the reſpective Counties, or to the Mayor, and Aldermen of the reſpective Cities where they ſtand engaged, between the firſt Tueſday of *February*, and the firſt Tueſday of *March*, One Thouſand Seven Hundred and Fifty-eight: And the ſaid Supervizors, or Mayor, and Aldermen reſpectively, ſhall immediately thereafter give Notice in Writing to the reſpective Loan-Officers, whoſe Sureties do deſire to be diſcharged, that he or they do, by the firſt Tueſday of *April* then next following, provide and give new Surety. And in caſe any of the ſaid Loan Officers ſo notified as aforeſaid, ſhall fail in giving new Surety, to the Satisfaction of the ſaid Supervizors, or Mayor, and Aldermen reſpectively, by the ſaid Day; then the ſaid Supervizors, or Mayor and Aldermen reſpectively, ſhall proceed to the Choice of a new Loan Officer or Loan Officers, in the Room and Stead of ſuch ſo failing; and in their Proceedings thereon, ſhall purſue the Directions of the firſt aforeſaid Act, with Reſpect to the Choice of new Loan Officers, in the ſeveral Caſes therein mentioned; any Thing in this, or the aforeſaid Acts, to the contrary notwithſtanding.

If any of the Loan Officers Securities be deſirous to be diſcharged from their Engagements, to give Notice thereof.

And others are to be provided.

CHAP.

31st GEORGE II A.D. 1757.

CHAP. CXXXIV.

An ACT *for raising by a publick Lottery for this Colony, the Sum of* One Thousand One Hundred and Twenty-five Pounds, *towards finishing a new Goal in the City of* New-York.

Obsolete.

Pass'd the 24th December, 1757.

CHAP. CXXXV.

An ACT *to enable the Mayor, Aldermen, and Commonalty of the City of* New-York, *to raise a Sum not exceeding* Three Thousand Five Hundred Pounds, *for erecting Barracks for his Majesty's Troops, providing them with Fire-wood, and Candles, and other Purposes therein mentioned.*

Pass'd the 24th December, 1757.

Preamble.

WHEREAS the free Quartering of the Soldiers in the City of *New-York*, has, by Experience been found too unequal, as well as too heavy a Burthen for the Inhabitants to bear. In Ease of whom the Corporation have erected proper and convenient Barracks, in Addition to those already built, and furnished them with Cribs, Beds, Bolsters, Tables, Benches, Fire-wood, Candles, and other Necessaries. And whereas the Expence of free Quartering of Officers, at the Requisition of the Earl of *Loudoun*, together with the necessary and contingent Charges of the Corporation, have so much exhausted their Treasury, that they are at present unable to pay and discharge the Debts accrued in building Barracks, and furnishing them with Necessaries, without the Aid and Assistance of the Legislature. Which Aid and Assistance the Corporation of the City of *New-York*, have most humbly prayed.

Corporation of the City of New-York impowered to raise the Sum of 3500 *l.* on the Inhabitants thereof.

Mayor to issue his Wrrants to the Assessors and Collectors of each Ward.

Collectors to pay the Money to the Mayor, &c. at the City-Hall, on the first of *April* next.

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby* **Enacted** *by the Authority of the same,* That it shall and may be lawful for the Mayor, Recorder, Aldermen, and Assistants of the City of *New-York*, for the Time being, in Common Council convened, or so many of them as do make a Common Council, at such Time as they shall judge most convenient, after the Publication of this Act, to order the raising a Sum not exceeding *Three Thousand Five Hundred Pounds*, by a Tax upon the Estates real and personal, of all and every the Freeholders, Freemen, Inhabitants, Residents and Sojourners, within the City of *New-York*. Pursuant to which Order in Common Council so made, the Mayor of the said City for the Time being, shall forthwith thereupon issue his Warrants to the Assessors and Collectors of each respective Ward within the said City, for the Time being, to make such Assessments and Collections; and upon Neglect, Refusal, or Non-Payment, the said Collectors are hereby authorized to levy the same by Distress, and Sale of the Goods and Chattels of such Person or Persons who shall neglect, refuse or delay to pay the same, restoring to the Owner the Overplus if any be. All which Sums of Money to be levied, collected and paid as aforesaid, shall be paid by the respective Collectors aforesaid unto the Mayor, Aldermen, and Commonalty of the City aforesaid, for the Time being, at their City Hall, on the first Day of *April* next, between the Hours of Ten and Twelve in the Forenoon, and be by them applied and disposed of in Payment, and Discharge of the Expences in building the said Barracks, furnishing the same with Necessaries, and other contingent Charges attending the same.

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Aſſeſſors to take an Oath impartially, and in due Proportion to aſſeſs the Freeholders, &c.

II. **And be it Enacted** *by the Authority aforeſaid*, That the ſaid Mayor, Recorder, and Aldermen of the City of *New-York*, for the Time being, or the major Part of them, ſhall have Power and Authority by Virtue of this Act, and are required to adminiſter an Oath to the ſaid Aſſeſſors, and every of them, well, truly, equally, impartially, and in due Proportion, according to the beſt of their Underſtanding, to aſſeſs and rate all and every the Freeholders, Freemen, Inhabitants, Reſidents, and Sojourners of the reſpective Wards for which they are choſen Aſſeſſors.

Delinquents in the Execution of this Act, to be puniſhed at the Diſcretion of the Judges of the Supreme Court.

III. **And be it further Enacted** *by the Authority aforeſaid*, That if the Mayor, Recorder, Aldermen, or Aſſiſtants of the City of *New-York*, for the Time being, who are hereby required, impowered, and authorized, to take effectual Care that this Act be duly executed, according to the true Intent and Meaning thereof, ſhall deny, refuſe, neglect, or delay to perform and execute all or any of the Powers, Duties, and Authorities by this Act required of them, or any of them, to be done, or if any Perſon or Perſons who are or ſhall be choſen Aſſeſſors or Collectors in the ſaid City of *New-York*, for each reſpective Ward thereof, ſhall deny, refuſe, neglect, or delay to make ſuch Aſſeſſment as by this Act is required, or ſhall deny, neglect, or refuſe to collect and pay any Sum or Sums of Money in Manner before mentioned, laid, taxed, and aſſeſſed, and ſhall thereof be lawfully convicted in the Supreme Court; he or they ſhall ſuffer ſuch Pains by Fine and Impriſonment, as by the Diſcretion of the Judges of the ſaid Court ſhall be adjudged.

Collectors Reward.

IV. **And be it further Enacted** *by the Authority aforeſaid*, That over and above the ſaid Sum of *Three Thouſand and Five Hundred Pounds*, to be levied and paid by Virtue of this Act, the Sum of *Nine-pence* in the Pound for the Collectors, ſhall be aſſeſſed, levied, and paid to the reſpective Collectors, for collecting and paying the ſame, according to the true Intent and Meaning of this Act; any Thing herein contained to the contrary notwithſtanding.

In Time of Peace, when the billeting of Soldiers is not tho't neceſſary, the Barracks to be let out upon Rents, or otherwiſe, as the Corporation ſhall think fit.

V. **And be it further Enacted** *by the Authority aforeſaid*, That the Property of the Lands and Soil whereon the ſaid Barracks are built and erected, or any other Barracks that ſhall hereafter be built or erected upon the Soil and Property belonging to the ſaid City, ſhall continue and remain to be in Right, Title, Intereſt and Property, belonging to the Mayor, Aldermen, and Commonalty of the City of *New-York*, for the Time being, for the Relief of the Inhabitants of the ſaid City, from billeting of Soldiers in Time of War, and to be let, hired out, and diſpoſed of upon Rents, or otherwiſe in Times of Peace, and at all other Times, when the ſaid Service by billeting of Soldiers, ſhall not neceſſarily require the ſame, as the Mayor, Aldermen and Commonalty of the City aforeſaid, for the Time being, ſhall think fit.

CHAP. CXXXVI.

Obſolete.

An ACT *to raiſe, levy, and collect the Sum of* Fifty Pounds, *in the City and County of* New-York, *for Services performed by the Coroner of the ſaid City and County.*

Paſs'd the 24th December, 1757.

CHAP.

31st GEORGE II A. D. 1758.

CHAP. CXXXVII.

An ACT *for raiſing, paying, and cloathing, Two Thouſand Six Hundred and Eighty effective Men, Officers included, for forming an Army of Twenty Thouſand Men, with the Forces of the neighbouring Colonies, to invade the* French *Poſſeſſions in* Canada, *in Conjunction with a Body of his Majeſty's regular Troops, and other Purpoſes therein mentioned.*

Paſs'd the 24th March, 1758.

WHEREAS His moſt gracious Majeſty has been pleaſed to order an Expedition againſt the *French* Settlements in *Canada*, by an Army of Twenty Thouſand Provincial Forces, in Conjunction with a Body of his Majeſty's regular Troops: And this his Majeſty's loyal Colony, being heartily diſpoſed to make a vigorous Exertion of their Strength, for executing a Meaſure evidently calculated for the future Security of all his Majeſty's Colonies on the Continent;

I. Be it Enacted *by his Honour the Lieutenant Governor, the Council, and General Aſſembly, and it is hereby* Enacted *by the Authority of the ſame,* That for and towards raiſing, cloathing, and paying Two Thouſand Six Hundred and Eighty effective Men, Officers included, to act in the ſaid Expedition with the Forces of the neighbouring Colonies, and a Body of his Majeſty's regular Troops, there be given and granted unto his Majeſty, his Heirs and Succeſſors, the Sum of *One Hundred thouſand Pounds,* which ſhall be aſſeſſed, raiſed, and levied upon the Eſtates, real and perſonal, of all and every the Freeholders, Inhabitants, and Reſidents within this Colony, and ſhall be collected and paid in Manner following, *that is to ſay,* The Sum of *Nine thouſand Pounds,* on or before the firſt Tueſday in *November;* which will be in the Year of our Lord One Thouſand Seven Hundred and Fifty-nine; and the like Sum of *Nine thouſand Pounds,* on or before the firſt Tueſday in *November,* which will be in the Year of our Lord, One Thouſand Seven Hundred and Sixty. The Sum of *Eight thouſand Pounds,* on or before the firſt Tueſday in *November,* which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-one; the like Sum of *Eight thouſand Pounds,* on or before the firſt Tueſday in *November,* which will be in the Year of our Lord, One Thouſand Seven Hundred and Sixty-two; the like Sum of *Eight thouſand Pounds,* on or before the firſt Tueſday in *November,* which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-three; the like Sum of *Eight thouſand Pounds,* on or before the firſt Tueſday in *November,* which will be in the Year of our Lord, One Thouſand Seven Hundred and Sixty-four; and the like Sum of *Eight thouſand Pounds,* on or before the firſt Tueſday in *November,* which will be in the Year of our Lord, One Thouſand Seven Hundred and Sixty-five. The Sum of *Twenty-one thouſand Pounds,* on or before the firſt Tueſday in *November,* which will be in the Year of our Lord, One Thouſand Seven Hundred and Sixty-ſix; and the like Sum of *Twenty-one thouſand Pounds,* on or before the firſt Tueſday in *November,* which will be in the Year of our Lord, One Thouſand Seven Hundred and Sixty-ſeven. Which ſaid Sums of *Nine thouſand Pounds,* the ſaid Sums of *Eight thouſand Pounds,* and the ſaid Sums of *Twenty-one thouſand Pounds,* hereby appointed to be paid on the Days and Times before-mentioned, ſhall be yearly raiſed, levied and paid by the Freeholders, Inhabitants, and Reſidents in the ſeveral and reſpective Cities and

100,000 *l.* granted to his Majeſty, to be raiſed by a Tax on Eſtates real and perſonal in the following Manner.

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and Counties within this Colony, during the Nine Years above-mentioned, according to the Quotas and Proportions following, *that is to ſay:*

In the City and County of *New-York*, yearly, during the firſt abovementioned two Years, the Sum of *Three thouſand Pounds.*

Yearly Proportion of each County ſaid Tax.

In the City and County of *Albany*, yearly, during the ſaid Time, the Sum of *One thouſand and five hundred Pounds.*

In *Kings* County, yearly, during the ſaid Time, the Sum of *Three hundred and eighty Pounds.*

In *Queens* County, yearly, during the ſaid Time, the Sum of *Eight hundred and three Pounds.*

In *Suffolk* County, yearly, during the ſaid Time, the Sum of *Six hundred and ninety Pounds.*

In *Richmond* County, yearly, during the ſaid Time, the Sum of *Two hundred and forty-four Pounds.*

In *Weſtcheſter* County, yearly, during the ſaid Time, the Sum of *Eight hundred and three Pounds.*

In *Ulſter* County, yearly, during the ſaid Time, the Sum of *Six hundred and ninety Pounds.*

In *Dutcheſs* County, yearly, during the ſaid Time, the Sum of *Six hundred and forty-two Pounds.*

And, in *Orange* County, yearly, during the ſaid Time, the Sum of *Two hundred and forty Pounds.*

For and towards the ſaid Sums of *Eight thouſand Pounds*, ſhall be paid annually, for the next above-mentioned five Years:

In the City and County of *New-York*, yearly, the Sum of *Two thouſand ſix hundred and ſixty-ſeven Pounds.*

In the City and County of *Albany*, yearly, during the ſaid Time, the Sum of *One thouſand three hundred and thirty-three Pounds.*

In *Kings* County, yearly, during the ſaid Time, the Sum of *Three hundred and forty-five Pounds.*

In *Queens* County, yearly, during the ſaid Time, the Sum of *Seven hundred and fourteen Pounds.*

In *Suffolk* County, yearly, during the ſaid Time, the Sum of *Six hundred and thirteen Pounds.*

In *Richmond* County, yearly, during the ſaid Time, the Sum of *Two hundred and ſeventeen Pounds.*

In *Weſtcheſter* County, yearly, during the ſaid Time, the Sum of *Seven hundred and fourteen Pounds.*

In *Ulſter* County, yearly, during the ſaid Time, the Sum of *Six hundred and thirteen Pounds.*

In *Dutcheſs* County, yearly, during the ſaid Time, the Sum of *Five hundred and Seventy-one Pounds.*

And, in *Orange* County, yearly, during the ſaid Time, the Sum of *Two hundred and thirteen Pounds.*

And for and towards the ſaid Sums of *Twenty-one thouſand Pounds*, ſhall be paid annually, for the two laſt above-mentioned Years:

In the City and County of *New-York*, yearly, the Sum of *Seven thouſand Pounds.*

In the City and County of *Albany*, yearly, during the ſaid Time, the Sum of *Three thouſand and five hundred Pounds.*

In *Kings* County, yearly, during the ſaid Time, the Sum of *Nine hundred and five Pounds.*

In *Queens* County, yearly, during the ſaid Time, the Sum of *One thouſand eight hundred and ſeventy-four Pounds.*

In

In *Suffolk* County, yearly, during the ſaid Time, the Sum of *One thouſand ſix hundred and ten Pounds.*

In *Richmond* County, yearly, during the ſaid Time, the Sum of *Five hundred and ſixty-nine Pounds.*

In *Weſtcheſter* County, yearly, during the ſaid Time, the Sum of *One thouſand eight hundred and ſeventy-four Pounds.*

In *Ulſter* County, yearly, during the ſaid Time, the Sum of *One thouſand ſix hundred and ten Pounds.*

In *Dutcheſs* County, yearly, during the ſaid Time, the Sum of *One thouſand four hundred and ninety eight Pounds,* And

In *Orange* County, yearly, during the ſaid Time, the Sum of *Five hundred and ſixty Pounds.*

II. And to the End the full Sum intended by this Act may be effective and complete, **Be it Enacted** *by the Authority aforeſaid,* That over and above the ſeveral Quotas abovementioned, there ſhall be raiſed, aſſeſſed, levied, and collected the reſpective Sums following, *That is to ſay*; On the Quota for the City and County of *New-York*, the Sum of *Six Pence*, over and above every Pound; to be retained in the Hands of the ſeveral Collectors as a Reward for their Trouble, in collecting and paying the ſame to the Treaſurer of this Colony: And on the Quotas for the City and County of *Albany*, and all the other Counties in this Colony, the Sum of *One Shilling*, over and above every Pound; out of which the ſeveral Collectors may retain in their Hands the Sum of *Nine Pence* on each *Pound*, for collecting and paying the ſame to the ſeveral County Treaſurers, and the remaining *Three Pence* the County Treaſurers reſpectively may retain in their Hands, as a Reward for their Trouble and Service in receiving and paying the Monies ariſing by this Act to the Treaſurer of this Colony.

Allowance to the Collectors of ſaid Tax.

III. And to the End that Aſſeſſments may be made in ſuch convenient Time by the Aſſeſſors, that the Sums intended to be raiſed by this Act, may be collected and paid at the Times herein after mentioned and appointed, and that Aſſeſſments may be truly, equally, and impartially made, as of Right they ought to be: **Be it Enacted** *by the Authority aforeſaid,* That the Mayor, Recorder and Aldermen, of the City and County of *New-York*, or the greater Part of them for the Time being, ſhall meet and aſſemble at the City-Hall of the ſaid City, on the firſt Tueſday in *June* in every Year, during the ſaid Nine Years, and then and there iſſue their Warrants to the ſeveral and reſpective Aſſeſſors of the ſaid City and County, to take a true and exact Account of all the Eſtates real and perſonal, of all the Freeholders, Inhabitants, and Reſidents within the ſeveral Wards of the ſaid City and County, for which they, at the Time of iſſuing ſuch Warrants, ſhall be Aſſeſſor or Aſſeſſors; and true, equal and impartial Aſſeſſments to make, and the ſame at a Day in the ſaid Warrants to be prefixed, by the Mayor or Recorder and Aldermen, or the major Part of them, then met, to exhibit; and when the ſaid Aſſeſſments are by the ſaid Aſſeſſors completed, and a full Account of the ſame fully caſt up, according to the Pound Value of the ſaid Eſtates, ſo that the Quota with the Allowance for the City and County of *New-York* be apparent and made known; then the ſaid Mayor, Recorder, and Aldermen, or the major Part of them, ſhall iſſue their Warrants to the ſeveral and reſpective Collectors within the City and County, to collect the Quota with the Allowance by this Act directed, and that the ſame be paid unto the Treaſurer of this Colony, on or before the firſt Tueſday in *November*, yearly, and every Year, during the ſaid Term of Nine Years.

In what Manner the Aſſeſſors of the City of *New-York* are to proceed in laying ſaid Tax.

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IV. And that Aſſeſſments may be truly, equally, and impartially made and done, Be it Enacted *by the Authority aforeſaid*, That every Aſſeſſor that ſhall be choſen and elected within the City and County of *New-York*, during the Term aforeſaid, ſhall, before he enters upon the Performance of the Duty and Service required of him by this Act, take an Oath upon the Holy Evangeliſts of Almighty God, in the Words following, *to wit*:

Aſſeſſors Oath.

I A. B. *do ſwear, that I will well and truly, equally and impartially, and in due Proportion, according to the beſt of my Skill, Knowledge, and Underſtanding, aſſeſs, and rate all the Freeholders, Inhabitants, and Reſidents of the Ward for which I am choſen Aſſeſſor.*

Which Oath the ſaid Mayor, Recorder, and Aldermen, or the major Part of them ſo met, are hereby impowered, required, and directed to adminiſter.

The Manner in which the other Counties are to be taxed.

V. And for the effectual aſſeſſing, collecting, and paying the reſpective Quotas for the City and County of *Albany*, and all the other Counties in this Colony, together with the before-mentioned Allowance to the Collectors and County Treaſurers; Be it Enacted *by the Authority aforeſaid*, That the Supervizors of the ſaid City and County, and all the other reſpective Counties in this Colony, or the major Part of them reſpectively, ſhall meet on the firſt Tueſday in *June*, every Year during the ſaid Term, where the Majority of the Supervizors then met, ſhall cauſe the reſpective Quotas and Allowances aforeſaid of each County to be raiſed, aſſeſſed, levied and collected, in the ſame Manner as the other neceſſary and contingent Charges thereof are: And the reſpective Collectors are hereby required and enjoined to pay the reſpective Quotas to be by them collected, unto the reſpective County Treaſurers, on or before the firſt Tueſday in *October*, yearly and every Year, during the ſaid Term: And each of the ſaid County Treaſurers are hereby enjoined and required to pay the reſpective Quotas of their Counties to the Treaſurer of this Colony, on or before the firſt Tueſday in *November* next following, during the ſaid Term.

Penalty on any Officer refuſing his Duty.

VI. And be it further Enacted *by the Authority aforeſaid*, That in caſe any of the Collectors ſhall neglect or delay to make their reſpective Payments to the reſpective County Treaſurers, for the Space of Three Months next after the Times appointed by this Act, the ſaid County Treaſurers ſhall be, and hereby are enabled, directed and required to commence Actions in their own Names reſpectively, for the ſaid Sum or Sums, or ſuch Part thereof as ſhall be then unpaid, in the County Court where ſuch Default ſhall happen, and proſecute the ſame to Effect. And in caſe any of the reſpective County Treaſurers ſhall neglect their reſpective Duties herein, all ſuch Sum or Sums of Money ſhall be deemed, taken, and eſteemed Aſſets in their Hands reſpectively, and they ſhall be charged therewith, as having received the ſame, by the Treaſurer of this Colony, who ſhall be, and hereby is enabled, directed and required, in his own Name, to commence Actions for the ſame in the Supreme Court of this Colony, within one Month after ſuch Default made by any of the County Treaſurers reſpectively, and proſecute the ſame to Effect. And in caſe the Treaſurer of this Colony ſhall neglect his Duty herein, all ſuch Sum or Sums of Money ſo being unpaid, ſhall be deemed, taken and eſteemed Aſſets in his Hands, and he ſhall be chargeable therewith, as if he had actually received the ſame; and in caſe any of the Collectors of the City and County of *New-York*, ſhall neglect or delay making their Payments of the aforeſaid Tax for one Month after the Times directed by this Act, the ſaid Treaſurer ſhall be, and hereby is enabled, directed and required, in his own Name, to commence Actions againſt ſuch Defaulter or Defaulters, and

proſecute

proſecute the ſame to Effect: And in Default of ſuch Proſecution, the Money ſo unpaid, ſhall be deemed, taken and eſteemed Aſſets in his Hands, as if he had actually received the ſame; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

VII. **And be it Enacted** *by the Authority aforeſaid*, That ſuch Mayor, Recorder, Aldermen, Supervizors, Aſſeſſors, Collectors, or County Treaſurers within this Colony, as ſhall deny, refuſe, neglect, or delay to do, perform, and execute all or any of the Powers, Duties and Authorities by this Act required of him or them to be done, and ſhall thereof be lawfully convicted in any of his Majeſty's Courts of Record, he or they ſhall ſuffer ſuch Pains by Fine or Impriſonment, as by the Direction of ſuch Court or Courts ſhall be adjudged.

Penalty on any Officer refuſing his Duty.

VIII. **And be it Enacted** *by the Authority aforeſaid*, That the Treaſurer of this Colony ſhall, out of the Monies to be raiſed by Virtue of this Act, pay unto *Oliver De Lancey*, *Beverly Robinſon*, and *John Cruger*, Eſqrs. whom his Honour the Lieutenant Governor hath been pleaſed to appoint Paymaſters and Commiſſaries to the Forces of this Colony, the Sum of *Forty-four Thouſand Pounds*, to be by them applied in the Payment of Two Thouſand Six Hundred and Eighty effective Men, Officers included, who are to be employed with the aforeſaid Forces of the neighbouring Colonies, and a Body of his Majeſty's regular Troops, to invade the *French* Poſſeſſions in *Canada*, after the following Rates, *to wit*: To one Colonel in Chief, to ſuperintend and command all the Forces of this Colony, *Twenty Shillings per Diem*. To three Colonels Commandants, *Sixteen Shillings per Diem* each. To three Lieutenant Colonels, *Fourteen Shillings per Diem* each. To three Majors, *Twelve Shillings per Diem* each. To three Adjutants, being Lieutenants, *Ten Shillings per Diem* each. To twenty-ſeven Captains, *Ten Shillings per Diem* each. To fifty-one Lieutenants, *Seven Shillings per Diem* each. To One Hundred and eight Serjeants, *One Shilling and Eight-pence per Diem* each. To twenty-ſeven Drummers, *One Shilling and Six-pence per Diem* each. To eighty-one Corporals, *One Shilling and Six-pence per Diem* each; and unto Two Thouſand three Hundred and ſeventy-four private Men, *One Shilling and three-pence per Diem* each: Deduction to be made for any Deficiency in that Number by Death or otherwiſe. Which Forces they are hereby directed to pay according to the Number that ſhall be in actual Service, and not otherwiſe, which ſhall be aſcertained by the Muſter-Rolls of the reſpective Companies, monthly delivered to the ſaid Paymaſters, upon the Oath of the ſeveral Captains of each Company, or the Oath of the Commanding Officer thereof, at the Time of ſuch Muſter. Which Oath the ſaid Paymaſters, or either of them, or ſuch other Perſon as the Governor or Commander in Chief ſhall appoint, are hereby impowered and required to adminiſter, in the Words following, *viz.*

How Part of ſaid Money is to be diſpoſed and applied.

Rates of Pay to Officers and Soldiers.

I A. B. *do ſwear, that the Muſter-Roll here produced by me, is juſt and true, and contains no more, nor other Perſons Names, than ſuch who are really and truly inliſted in my Company, and are now actually and realy in the Service, on the preſent Expedition againſt the* French *Settlements in* Canada. So help me GOD.

Oath to prove the Muſter Rolls.

AND the ſaid Paymaſters are hereby further required and directed, to pay to three Doctors, providing each two able Aſſiſtants, to attend the ſaid Forces, the Sum of *Twenty-four Shillings per Diem* each, and alſo to provide them with proper Cheſts of Medicines to the Value of *One Hundred and twenty-five Pounds* each.

Pay to Surgeons and Allowance for Medicines.

IX.

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Officers inliſting allowed 20ſ. for each Volunteer,

and £.10 Bounty to be paid to the Captain for each Volunteer.

IX. **And be it further Enacted** *by the Authority aforeſaid*, That the Treaſurer ſhall, out of the Monies aforeſaid, pay unto each of the ſaid Captains, or other Officers properly authorized to raiſe the Forces, the Sum of *Twenty Shillings*, for each able bodied Man, whom he or they reſpectively ſhall engage to inliſt voluntarily in the ſaid Service. And, to each of the ſaid Captains, as and for an Encouragement to the Men who ſhall inliſt under him or them reſpectively, the Sum of *Ten Pounds*; to be paid by him or them reſpectively, to each and every able bodied Man, who ſhall voluntarily inliſt under him or them on the aforeſaid Service: Which ſaid reſpective Sums, ſhall be paid by the Treaſurer, on Warrants iſſued by the Governor or Commander in Chief for the Time being, in Council.

Commiſſaries to provide Clothing Blankets, and Neceſſaries for the Forces.

X. **And be it further Enacted** *by the Authority aforeſaid*, That the Treaſurer of this Colony, ſhall, out of the Monies to be raiſed by Virtue of this Act, pay unto the ſaid Commiſſaries, the Sum of *Fifteen thouſand Pounds*, to be by them employed in purchaſing Cloathing, Blankets, and other Neceſſaries for the Uſe of the Forces to be raiſed by this Colony, on the aforeſaid Expedition. Of the due Diſpoſition of all which aforeſaid Sums of Money, they, the ſaid Paymaſters, ſhall render juſt and true Accounts on Oath, to the Governor or Commander in Chief for the Time being, the Council, or General Aſſembly, when by them, or any of them thereunto required.

The Commiſſaries Allowance.

XI. AND to the End the aforeſaid Commiſſaries may be encouraged to do and perform the ſeveral and reſpective Services required to be done and performed by them reſpectively: **Be it Enacted** *by the Authority aforeſaid*, That the ſaid Commiſſaries ſhall be allowed to retain in their Hands, the Sum of *Two Pounds* on every *Hundred Pounds* they ſhall employ by Virtue of this Act, and in that Proportion for a greater or leſſer Sum, as a Reward for their Care and Trouble in the ſeveral and reſpective Services hereby required to be done and performed by them.

Recognizances to be enter'd into before they receive any of ſaid money.

XII. **And be it Enacted** *by the Authority aforeſaid*, That the ſaid Commiſſaries, before they receive any Part of the Monies hereby directed to be paid unto them, ſhall enter into Recognizances to our Sovereign Lord the King, his Heirs and Succeſſors, before one of the Judges of the Snpreme Court of this Colony, in the Sum of *Fifty-nine thouſand Pounds*, with two ſufficient Sureties, each in half that Sum: CONDITIONED, That they will, well and truly, employ and apply the Monies to be received by them as aforeſaid, to and for the ſeveral and reſpective Uſes and Purpoſes directed by this Act, and well and truly to obſerve, do and perform all the Directions hereby required to be obſerved, done and performed by them, according to the true Intent and Meaning of this Act. Which Recognizances are to be filed and recorded in the Supreme Court.

Which Recognizances to be put in Suit on Failure of Duty.

XIII. **And be it Enacted** *by the Authority aforeſaid*, That if either of the before-named Commiſſaries, ſhall fail of employing and applying the Money ſo to be received by them, in Manner, and for the reſpective Uſes directed by this Act, or omit to obſerve, do and perform what is hereby required to be obſerved, done and performed by them; in ſuch Caſe or Caſes, the ſaid Recognizances ſhall be proceeded upon in due Form of Law, againſt ſuch Offender or Offenders, or his or their Sureties, in the Supreme Court of this Colony, wherein no Eſſoin, Protection, Wager of Law, or more than one Imparlance ſhall be allowed; and the Money to be recovered in Conſequence thereof, ſhall be paid into the Treaſury of this Colony, and be applied to and for ſuch Uſes as ſhall hereafter be directed by Act or Acts to be paſſed for that Purpoſe.

XIV. **And be it Enacted** *by the Authority aforesaid*, That if either of the said Commissaries shall happen to die, remove out of this Colony, or refuse to act, according to the several and respective Powers and Authorities hereby directed and required, it shall and may be lawful to and for the Governor, or Commander in Chief for the Time being, by and with the Advice and Consent of his Majesty's Council, to nominate and appoint some other fit Person or Persons in the Place and Stead of him or them so dying, removing, or refusing to act as aforesaid; any Thing herein contained to the contrary notwithstanding. **Provided**, that the Person or Persons who shall be appointed, shall be obliged to enter into the like Recognizances, with the like Sureties, as herein is directed to be done by the said Commissaries, before he or they be intitled to receive any Part of the Money herein mentioned; and in all Respects, be as subject to observe, do and perform the several Directions of this Act, as if he or they had been named, or appointed in it.

If either of the Commissaries die, or refuse to act, others are to be appointed.

Proviso.

XV. **And be it further Enacted** *by the Authority aforesaid*, That the Treasurer shall pay unto *James Parker*, for printing the Bills of Credit directed to be made current by this Act, the Sum of *Twenty-five Pounds*.

Printers Reward.

XVI. **And be it further Enacted** *by the Authority aforesaid*, That the aforesaid several Sums of Money directed to be paid to the before-mentioned Commissaries, shall be paid by the Treasurer of this Colony, at such Time, and in such Proportions as shall be thought necessary and expedient by his Honour the Lieutenant Governor, or Commander in Chief for the Time being, by and with the Advice and Consent of his Majesty's Council of this Colony, for performing the several and respective Services directed by this Act.

Time when, and Proportion in which, the Treasurer is to pay the Money out.

XVII. **And be it further Enacted** *by the Authority aforesaid*, That the Treasurer shall, out of the aforesaid Fund, pay the following several Sums of Money, *viz.* To the Colonel in Chief of the Forces of this Colony, the Sum of *One Hundred Pounds*, to furnish his Tables. To each of the three Colonels Commandants of the Three Battalions of this Colony, the Sum of *Seventy Pounds*, to furnish their respective Tables. To each of the three Lieutenant Colonels the Sum of *Fifty Pounds*, for the like Purpose. And to each of the three Majors, the Sum of *Forty Pounds*, for the like Purpose.

Allowance to the Field Officers over and above their Pay.

XVIII. AND whereas there are two certain Sums of Money due to this Colony, the one for Provisions delivered over by the Commissaries of the Forces of this Colony, by the Orders of the Right Honourable the Earl of *Loudoun*, to the Contractors for furnishing his Majesty's Troops with Provisions: And the other for Goods bought by Sir *Charles Hardy*, Knight, late Governor of this Colony, with Money granted him by this Colony, for making Presents to the *Indian* Nations, and since delivered over to Sir *William Johnson*, his Majesty's Agent for *Indian* Affairs, in the Northern Department of *America*, by Sir *Charles Hardy*'s Order; the said Agent engaging to refund the Value thereof to this Colony, his Majesty having made ample Provision for that Service: **Be it Enacted** *by the Authority aforesaid*, That the beforementioned Commissaries shall be, and hereby are impowered and directed to receive the said Sums of Money, whatever they amount to, and give the Colony Credit for the same in their Accounts.

Commissaries to receive certain Sums of Money, and to give the Colony Credit for it.

XIX. AND as it is impracticable to have the aforesaid Sums of Money collected as soon as the present Exigencies require: **Be it Enacted** *by the Authority aforesaid*, That for making immediate Payment for the Services aforesaid, Bills of Credit to the Value of *One Hundred Thousand Pounds*, be

100,000 *l.* in Bills of Credit to be printed, to answer the immediate Payments.

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forthwith printed, made, and iſſued, upon the Credit of the Money to be raiſed and levied by Virtue of this Act, and lodged in the Treaſury for that Purpoſe; *that is to ſay*, Eight Thouſand Bills of *Ten Pounds* each, and Four Thouſand Bills of *Five Pounds* each. And upon every and each of which Bills, ſhall be impreſſed on the Right Side thereof, the Arms of the City of *New-York*, and under the Arms, in different Characters, theſe Words, *Its Death to counterfeit this Bill:* Which Bills ſhall be in the Form following, *that is to ſay:*

Form of ſaid Bills.

By a Law of the Colony of New-York, *this Bill ſhall paſs current for* *Pounds.* New-York, *the Fifth Day of* April, *One Thouſand Seven Hundred and Fifty Eight.*

Signers of ſaid Bills.

Which ſaid Bills ſhall be ſigned by *Peter Van Brugh Livingſton*, *David Clarkſon*, *David Van Horne*, and *Henry Cuyler*, junior, Eſquires, or any three of them, and numbered by one of them. And in caſe of the Death of any of the ſaid Perſons, the ſaid Bills ſhall be ſigned by the Majority of the Survivors of them.

The Stamps to be delivered to the Printer.

XX. **And be it Enacted** *by the Authority aforeſaid*, That *Abraham De-Peyſter*, Eſq; the preſent Treaſurer of this Colony, in whoſe Hands the Stamps of the Arms of the City of *New-York*, and the other Plates, are depoſited, ſhall, in the Preſence of the Signers aforeſaid, or the major Part of them, deliver unto *James Parker*, the ſaid Stamps and Plates, who is hereby appointed to print the ſaid Bills, and on them to impreſs the ſaid Arms and Plates, which when done, the ſaid *James Parker*, ſhall re-deliver to the ſaid Treaſurer, the ſaid Stamps and Plates, in Preſence of the Signers aforeſaid, or the major Part of them; and the Receipt of the ſaid Treaſurer, ſhall be to the ſaid Printer, a ſufficient Diſcharge for the ſame: And the ſaid Printer is hereby required and directed, to deliver to the Signers hereby appointed to ſign the ſaid Bills, every Bill of Credit by him printed, and ſhall, upon his Delivery of the ſaid Bills, take an Oath in the Words following, *viz.*

The Printers Oath.

I A. B. *do declare, that from the Time the Letters were ſet, and fit to be put into the Preſs, for printing the Bills of Credit now by me delivered to you, until the Bills were printed, and the Letters afterwards diſtributed into the Boxes, I went at no Time out of the Room in which the ſaid Letters were, without locking them up, ſo that they could not be come at without Violence, a falſe Key, or other Art then unknown to me; and therefore to the beſt of my Knowledge, no Copies were printed off but in my Preſence; and that all the Blotters and other Papers whatſoever impreſſed by the ſaid Letters, whilſt ſet for printing the ſaid Bills, to the Beſt of my Knowledge, are here delivered unto you, together with the Stamps; and in all Things relating to this Affair, I have well and truly demeaned myſelf, according to the true Intent and Meaning of the Law, in that Caſe made, to the beſt of my Knowledge and Underſtanding.*

Which Oath all or every of the Signers are hereby impowered, directed and required, to adminiſter.

The Signers Oath.

XXI. **And be it Enacted** *by the Authority aforeſaid*, That the Perſons herein appointed to ſign the ſaid Bills of Credit, ſhall take an Oath before a Magiſtrate of the City of *New-York*, each of them, *Well and truly to perform what by this Act they are enjoined as their Duty; and will knowingly, ſign no more Bills of Credit than as by this Act is directed:* And if it ſhall happen that any ſupernumerary Bills ſhall be left after the ſaid Number ſhall be delivered to the ſaid Treaſurer in Manner aforeſaid, all ſuch ſupernumerary Bills, ſhall be burnt and deſtroyed by the ſaid Signers, or the major Part of them, or by the Majority of the Survivors of them, in the Preſence of the Treaſurer of this Colony.

XXII. **And be it Enacted** *by the Authority aforeſaid*, That the Bills of Credit Enacted, and appointed by this Act to be current, ſhall be received by the Treaſurer of this Colony, in all publick Payments, and for any Fund at any Time in the Treaſury, and by any Perſon within this Colony, in all Caſes whatſoever, during the Time they are enacted to continue, and be as effectually current as any other Bills of Credit made current in this Colony, by any Act of the Governor, Council, and General Aſſembly.

The Currency of theſe Bills.

XXIII. **And be it Enacted** *by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever, ſhall counterfeit any of the Bills of Credit made current by this Act, or ſhall alter any of the Bills made current as aforeſaid, ſo that they ſhall appear to be of greater Value than by this Act the ſame Bill or Bills ſo altered were enacted, ſigned or numbered to paſs current for, or ſhall knowingly paſs, or give in Payment, any of the Bills aforeſaid, ſo counterfeited or altered; every Perſon guilty of counterfeiting or altering any of the ſaid Bills as aforeſaid, or of knowingly paſſing, or giving in Payment any ſuch counterfeit or altered Bill, ſhall be guilty of Felony; and being thereof convicted, ſhall ſuffer the Pains of Death, without Benefit of Clergy: And tho' ſuch counterfeiting, altering, or knowingly paſſing counterfeit or altered Bills, ſhall be done out of this Colony; yet any Grand-Jury within the City and County of *New-York*, is hereby impowered to preſent the ſame, and to ſet forth in the Indictment, the Place where, by their Evidence, it appeared that the Fact was committed; which Indictment is hereby declared good, notwithſtanding that the Place alledged be out of this Colony; and the Petty Juries on the Tryal of all ſuch Iſſues, ſhall be returned from the Body of the City and County of *New-York*; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Felony without Benefit of Clergy to counterfeit, &c. the ſaid Bills.

XXIV. **And be it Enacted** *by the Authority aforeſaid*, That the Bills of Credit made, ſtruck and iſſued by Virtue of this Act, ſhall be, and remain current, until the firſt *Tueſday* in *November*, which will be in the Year of our Lord *One thouſand ſeven hundred and ſixty-eight*.

Limitation of the Currency of the Bills.

XXV. **And be it further Enacted** *by the Authority aforeſaid*, That none of the Bills of Credit made current by this Act, when they become by any Means ſhattered, torn or defaced, ſhall have any Pieces of Paper, Parchment or Cloth, pinned, ſewed or paſted on them: And in Caſe any of them be found with Paper, Parchment or Cloth, pinned, ſewed, or paſted thereon, the Currency thereof ſhall immediately ceaſe, and they ſhall not be thereafter accepted by any Perſon but the Treaſurer, who ſhall receive the ſame, either in Payment, or Exchange for other Bills; any Thing in this Act to the contrary notwithſtanding.

Treaſurer to exchange torn, or defaced Bills.

XXVI. **And be it Enacted** *by the Authority aforeſaid*, That as the Money to be raiſed, levied and collected by Virtue of this Act, ſhall be paid into the Treaſury, the Treaſurer of this Colony for the Time being, ſhall be, and he is hereby directed and required, to uſe his utmoſt Endeavours to exchange the ſame, for Bills of Credit made current by this Act; which ſaid Bills ſo procured, ſhall be kept in the Treaſury, ready to be cancelled in Manner as is directed in and by an Act, entitled, *An* Act *for the more effectual cancelling the Bills of Credit of this Colony*; paſſed in the Twenty-firſt Year of his Majeſty's Reign.

The Treaſurer to uſe all Endeavours to exchange the Bills collected by Virtue of this Act, or others made current by the ſame.

XXVII. **And be it further Enacted** *by the Authority aforeſaid*, That when the Treaſurer ſhall have paid all the ſeveral Sums directed to be paid by this Act, all the Reſidue of the Money to be raiſed by this Act, ſhall remain in the Treaſury, to be diſpoſed of by Act or Acts hereafter to be paſſed for that Purpoſe.

Reſidue of the Money to remain in the Treaſury.

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Exact Books to be kept of the Payment of ſaid Money.

XXVIII. **And be it further Enacted** *by the Authority aforeſaid*, That the Treaſurer ſhall keep exact Books of all his Receipts and Payments, by Virtue of this Act, and a true and juſt Account thereof ſhall render, on Oath, to the Governor, or Commander in Chief, for the Time being, the Council, or General Aſſembly, when by them or any of them thereunto required.

Number wanting to complete the Forces on the 15th of *April*, to be detached from the Militia.

XXIX. AND to the End there may be no Deficiency in the Forces to be furniſhed by this Colony on the aforeſaid Service; **Be it Enacted** *by the Authority aforeſaid*, That in caſe a ſufficient Number of Volunteers do not offer by the Fifteenth Day of *April* next, to complete the full Number of Two Thouſand Six Hundred and Eighty effective Men, including Officers, it ſhall and may be lawful for his Honour the Lieutenant Governor, or Commander in Chief for the Time being; and he is hereby enabled and impowered to ſupply the Deficiency, by Detachments to be made from the Militia of the ſeveral and reſpective Cities and Counties of this Colony, where ſuch Deficiency may happen. **Always Provided**, That no more Men ſhall be detached from the ſeveral Cities and Counties, than according to the following Proportions, *to wit*,

Quotas of Men to be furniſhed by the ſeveral Counties.

From the City and County of *New-York*, Three Hundred and Twelve effective Men.

From the City and County of *Albany*, Five Hundred and Fourteen effective Men.

From *Kings* County, Sixty-three effective Men.
From *Queens* County, Two Hundred and Ninety effective Men.
From *Suffolk* County, Two Hundred and Eighty-nine effective Men.
From *Richmond* County, Fifty-five effective Men.
From *Weſtcheſter* County, Three Hundred and Ninety-four effective Men.
From *Dutcheſs* County, Three Hundred and Eighty-nine effective Men.
From *Ulſter* County, Two Hundred and Twenty-eight effective Men.
And from *Orange* County, One Hundred and Forty-ſix effective Men.

Perſons exempted from being detached.

XXX. **And be it further Enacted** *by the Authority aforeſaid*, That no Perſon or Perſons whatſoever, is or are by this Act, exempted from being detached for the Service required by this Act, except the ſeveral Branches of the Legiſlature, and their neceſſary Officers; His Majeſty's Attorney General, the Colony Treaſurer, High Sheriffs, and Clerks of Cities and Counties; Magiſtrates, Miniſters of the Goſpel, Perſons under Sixteen or above Sixty Years of Age, and Perſons who have actually ſerved in their own proper Perſons, in one or both the laſt Campaigns.

Method of making the Detachments.

XXXI. **And be it further Enacted** *by the Authority aforeſaid*, That the ſeveral and reſpective Colonels, or next commanding Officers, of the ſeveral and reſpective Regiments of Militia within this Colony, ſhall forthwith, after receiving the Orders of his Honour the Lieutenant Governor, or the Commander in Chief for the Time being, for detaching the Number of Men wanting according to the aforeſaid Proportions, ſend for all the Captains, or next commanding Officers of all the ſeveral Companies, as well regimented as unregimented, Troops of Horſe included, of the ſaid ſeveral and reſpective Cities and Counties, to attend them at ſuch Time and Place, as the ſaid Colonels, or next commanding Officers ſhall appoint, with the ſeveral and reſpective Liſts, on Oath, of their Companies, and of every other Perſon in their Diſtrict or Beat, not exempted by this Act. From which Liſts the ſeveral and reſpective Colonels, or next commanding Officers, together with the other Field Officers, ſhall proportion the Number of Men to be furniſhed by each Company

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Company respectively, according to the Numbers contained in the said Lists. And the said several and respective Captains, or next commanding Officers for the respective Counties, and the several and respective Captains, or next commanding Officers, with the Assistance of a Field Officer for the City of *New-York*, shall, within six Days thereafter, take the proper Measures for detaching the Number allotted to each Company respectively, by such Time as shall be appointed by his Honour the Lieutenant Governor, or Commander in Chief for the Time being, for that Purpose; each able bodied Man who shall, before the said Detachments be made, enter voluntarily into the said Service out of any of the said Companies, to be allowed Part of the Quota of such Company. And if any Dispute shall arise among any of the said Companies, concerning the Number of Volunteers entered into the said Service, out of the said Companies, the same shall be examined into, and finally settled by the respective Colonels, or other Field Officers of the City or County where the Dispute may arise.

XXXII. **And be it further Enacted** *by the Authority aforesaid*, That when any of the said Captains, or next commanding Officers, shall order their Companies to meet, in order to raise the Quota of Men allotted to them respectively, every Person duly warned to appear, either personally, or by Notice left at his Place of Residence, not only those belonging to the said respective Companies, but such others as reside within the said Beat or Destrict, not exempted by this Act, who shall not attend at such Time and Place as shall be appointed by the said Captain, or next commanding Officer respectively, shall forfeit and pay the Sum of *Twenty Pounds*.

Persons warned and not appearing to forfeit £. 20.

XXXIII. **And be it further Enacted** *by the Authority aforesaid*, That all Free Negroes and Mustee and Mulatoe Freemen with this Colony, shall be, and hereby are, made liable to be detached on the aforesaid Service, by the Captain or Captains, or next commanding Officer or Officers, within whose respective Beats or Districts they do or may reside, notwithstanding any Indenture or Indentures of Servitude they or any of them may be under.

Free Negroes, &c. liable to be detached.

XXXIV. AND whereas there are many Persons in several Parts of this Colony deserted from the Service in the two last Campaigns; **Be it further Enacted** *by the Authority aforesaid*, That it shall and may be lawful for the several Militia Captains, or next commanding Officers, out of, or by whose Company they were inlisted or detached, to take and seize all such Deserter or Deserters, wherever they can be found within this Colony, and send them on the aforesaid Service, as Part of the Quota to be furnished by their respective Companies.

Deserters in the two last Campaigns to be apprehended and sent on the present.

XXXV. **And be it farther Enacted** *by the Authority aforesaid*, That if any Person or Persons, being Residents in any County of this Colony, shall, after the Publication of this Act, be inlisted in or for any other County than that whereof they are Residents, such Person or Persons so inlisted, shall be allowed Part of the Quota of that County whereof they are Residents: And if any Dispute shall arise between two Counties on that Head, such Dispute shall be examined into, and finally settled by such Person or Persons as his Honour the Lieutenant Governor, or Commander in Chief for the Time being shall appoint.

Persons inlisted, to be allowed as Part of the Quota of the County they reside in, tho' inlisted for any other County.

XXXVI. **And be it further Enacted** *by the Authority aforesaid*, That if any Person or Persons so detached, shall refuse the said Service, he or they so refusing, shall be deemed Deserters, and shall be proceeded against, and punished accordingly. **Always Provided**, That it shall and may be lawful for the Person so detached as aforesaid, to procure an able bodied Man to go in his

Persons detached and refusing the Service, to be deemed as Deserters.

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his Room and Stead; and on his producing ſuch to the Officer or Officers appointed to command the Company in which the ſaid detached Perſon was to go, or to the Perſon or Perſons appointed to muſter the ſaid Men, he the ſaid detached Perſon ſhall be diſcharged from that Service.

But may ſend a Man in their Stead

Perſons found out of their proper County without a ſufficient Reaſon, may be detached where found.

XXXVII. **And be it further Enacted** *by the Authority aforeſaid*, That if any Perſon or Perſons within this Colony, ſhall, after the Orders for making the ſaid Detachments ſhall be iſſued, and before the ſaid Detachments be compleated, be found in any Part of this Colony to which they do not belong, and ſhall not be able to give a ſatisfactory Account of him or themſelves, and the Buſineſs he or they are upon, to the Captain of the Diſtrict or Beat, within whoſe Limits he or they ſhall be found, it ſhall and may be lawful for ſuch Captain, or next commanding Officer, to detach ſuch Perſon or Perſons on the aforeſaid Service, as Part of the Number which he is to furniſh out of his Company.

Penalty for harbouring Perſons detached or inliſted.

XXXVIII. **And be it further Enacted** *by the Authority aforeſaid*, That in Caſe any Perſon or Perſons whatſoever, ſhall harbour, ſecret, or conceal any Perſon detached or inliſted as aforeſaid, and abſenting himſelf from the ſaid Service, he, ſhe, or they ſo offending, ſhall forfeit the Sum of *Twenty Pounds*.

Or for obſtructing the Detachments or diſcouraging Perſons from inliſting.

XXXIX. **And be it further Enacted** *by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever, ſhall directly or indirectly obſtruct the ſaid Detachments being made, or ſhall diſcourage or hinder any Perſon from inliſting voluntarily into the ſaid Service, or ſhall under any Pretence whatſoever, otherwiſe than by due Proceſs of Law, detain any ſuch Perſon who ſhall hereafter inliſt voluntarily, or be detached into the ſaid Service, though the ſaid Perſon be Servant, or Apprentice, he, ſhe, or they, ſo offending, ſhall reſpectively forfeit the Sum of *Fifty Pounds*.

Servants and Apprentices may be detached, or inliſted.

And the Officer if ſued may plead the general Iſſue.

XL. **And be it further Enacted** *by the Authority aforeſaid*, That if any Captain, or next commanding Officer of Company of Militia, or any Perſon properly authorized to inliſt Volunteers on the aforeſaid Service, or receive the Perſons detached, ſhall be proſecuted by any Maſter or Miſtreſs of a Servant or Apprentice, for detaching or inliſting his, her, or their Servant or Apprentice in the aforeſaid Service, or for retaining them in the ſaid Service, it ſhall and may be lawful for ſuch Officer ſo detaching, or ſuch Perſon ſo inliſting, or retaining ſuch Servant or Apprentice, to plead the general Iſſue, and give this Act in Evidence, and the Plaintiff or Plaintiffs, in ſuch Suit or Suits, ſhall not recover in any ſuch Suits, but pay all Coſts.

Penalties on the Officers of the Militia, for not putting this Act in Execution.

XLI. **And be it further Enacted** *by the Authority aforeſaid*, That if any Colonel or Field Officer ſhall neglect or omit, to do what is enjoined him or them by this Act, they ſhall reſpectively forfeit the Sum of *Two Hundred Pounds*. And any Captain, or ſubaltern Officer or Officers, who ſhall neglect to do what is enjoined him or them by this Act, he or they ſhall reſpectively forfeit the Sum of *One Hundred Pounds*. And every Non-commiſſioned Officer who ſhall omit or neglect the Service required of him by his Captain, or next commanding Officer, in executing this Act, ſhall reſpectively forfeit the Sum of *Fifty Pounds*. All which Forfeitures, and all other Forfeitures, laid by this Act, ſhall be immediately levied on the Goods and Chattels of the Defaulters reſpectively, or the Goods and Chattels of their Parents, Maſters, or Miſtreſſes, by Warrant or Warrants iſſued by one of the Judges of the Inferior Court of Common Pleas of the reſpective County or Counties where the ſaid Forfeiture ſhall ariſe, or by one of the Judges of the Supreme Court

Forfeitures how to be recovered and applied.

in

in the City of *New-York*, on due Proof thereof made before him. Which Warrants ſhall be directed to, and executed by the Sheriff or Sheriffs of the ſeveral Cities and Counties reſpectively: The ſaid Forfeitures, when levied, ſhall be paid into the Hands of the Supervizors of the ſaid reſpective Counties, or the City Treaſurer of the City of *New-York*, and be by them applied in the Repayment of ſuch Sum or Sums of Money, as the People of ſaid City or Counties reſpectively, ſhall raiſe by voluntary Contributions among themſelves, for encouraging able bodied Men to inliſt voluntarily into the aforeſaid Service, in ſuch Manner as they, the ſaid Supervizors, or Mayor, and Aldermen of the City of *New-York*, reſpectively, ſhall judge equitable. And where no Goods or Chattels are to be found, the Defaulter or Defaulters ſhall be committed to Goal, there to remain, without Bail or Mainprize, for the Space of Six Months, or until the ſaid Forfeitures, with all Coſts and Charges attending the ſame, ſhall be fully paid.

Perſons inliſted or detached not liable to be taken on Proceſs for a Debt under £.50.

XLII. AND, that none of his Majeſty's Subjects, who are inclined to go upon the Service aforeſaid, may be impeded, or debarred from entering voluntarily therein, or, being detached, prevented from going thereon. **Be it Enacted** *by the Authority aforeſaid*, That no Perſon who ſhall inliſt or enter himſelf a Volunteer in the ſaid Service, or being detached thereon, ſhall during the ſame, be liable to be taken therefrom, by any Proceſs or Execution whatſoever, other than for ſome criminal Matter, unleſs for a Debt, or other juſt Cauſe of Action; and unleſs before the taking out of ſuch Proceſs or Execution, not being for a criminal Matter, the Plantiff or Plantiffs therein, or ſome other Perſon or Perſons, on his or their Behalf, ſhall make Affidavit before one or more Judge or Judges of the Court of Record, or other Court out of which ſuch Proceſs or Execution ſhall iſſue; or before ſome Perſon authorized to take Affidavits in ſuch Courts, that to his or their Knowledge the original Sum juſtly due and owing to the Plantiff or Plantiffs, from the Defendant or Defendants, in the Action or Cauſe of Action on which ſuch Proceſs ſhall iſſue, or the original Debt for which ſuch Execution ſhall be iſſued out, amounts to the Value of *Fifty Pounds*, current Money of the Colony of *New-York*, over and above all Coſts of Suit in the ſame Action, or in any other Action on which the ſame has been, or ſhall be grounded: A Memorandum of which Oath ſhall be marked on the back of ſuch Proceſs or Writ, for which Memorandum or Oath, no Fee ſhall be taken. And, if any Perſon ſhall nevertheleſs be arreſted, contrary to the Intent of this Act, it ſhall and may be lawful, for one or more Judge or Judges of ſuch Court, upon complaint made thereof by the Party himſelf, or by any of his Superior Officers, to examine into the ſame by the Oath of the Parties, or otherwiſe, and by Warrant under his or their Hands and Seals, to diſcharge ſuch Soldier ſo arreſted or detained, contrary to the Intent of this Act, without paying any Fee or Fees, upon due Proof made before him or them, that ſuch Soldier ſo arreſted or detained, was duely inliſted for the Service, or detached thereon, as aforeſaid, and was arreſted and detained contrary to the Intent of this Act.

Perſons inliſting or detached, and detained in Goal for a Debt under £.50, to be diſcharged.

Proviſo.

XLIII. **And be it Enacted** *by the Authority aforeſaid*, That any Perſon or Perſons who are willing to inliſt, and ſhall accordingly inliſt for the Service aforeſaid, or being detached therein, who are now detained in Goal, upon Execution or any Proceſs in any Civil Action, wherein the original Cauſe of Action did not amount to the Sum of *Fifty Pounds*, ſhall upon a Certificate of ſuch his or their Inliſtment or Detachment being produced to any Judge or Judges of the Court from whence ſuch Proceſs iſſued, be diſcharged from Impriſonment, without paying Fees. *Provided nevertheleſs*, That ſuch Diſcharge ſhall not be deemed an Extinguiſhment of any ſuch Debt, but that any Plaintiff

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Plantiff or Plantiffs may be at Liberty to proceed to Judgment and Execution againſt the Goods of any ſuch Defendant; and alſo againſt their Perſon or Perſons, after he or they ſhall be diſcharged from the ſaid Service.

Time limited to be in the Service.

XLIV. **And be it Enacted** *by the Authority aforeſaid*, That no Perſon or Perſons whatſoever engaged in the Service aforeſaid, ſhall be detained therein longer than to the firſt Day of *December* next.

Companies detaching or producing Non effective Men, to furniſh able bodied Men in their Stead

XLV. And to the End that no Perſons may be ſent on the aforeſaid Service, but ſuch as are able bodied, and fit for the Duty expected from them; **Be it Enacted** *by the Authority aforeſaid*, That as well thoſe that enter voluntarily, as thoſe that may be detached, ſhall be muſtered, viewed and examined by ſuch Perſon or Perſons, and at ſuch Time and Place, as his Honour the Lieutenant Governor, or Commander in Chief for the Time being, ſhall appoint. And in Caſe any of them be found on ſuch Examination, unfit for ſuch Service, the Company or Companies producing ſuch unfit Perſon or Perſons, ſhall be obliged to ſupply their Places with other fit and able bodied Men.

Clauſe againſt Mutiny and Deſertion.

XLVI. **And be it further Enacted** *by the Authority aforeſaid*, That in Caſe any Perſon or Perſons whatſoever engaged in the aforeſaid Service, either as Officers or Soldiers, ſhall at any Time during the ſaid Service, deſert therefrom, or ſhall begin, excite, cauſe, or join in any Mutiny or Sedition in the Company to which he doth belong, or in any other Company engaged in the ſaid Service, or ſhall hold Correſpondence with any Rebel or Enemy of his Majeſty, or give them Advice or Intelligence, by Letters, Meſſages, Signs or Tokens, or any Manner of Way whatſoever, or ſhall ſtrike or uſe any Violence againſt his ſuperior Officer, being in the Execution of his Office, or ſhall refuſe to obey any lawful Command of his Superior Officer, they ſhall reſpectively ſuffer Death, or ſuch other Puniſhment as ſhall be inflicted by a Court-Martial: Which Court-Martial ſhall be held, conſtituted, and appointed, by Commiſſion from his Honour the Lieutenant Governor, or Commander in Chief for the Time being, under the Great Seal of this Colony.

Perſons abſconding to be ſearcht for, and if found, to be ſent on the Service as Part of the Quota of the Company to which they belong.

XLVII. And whereas it is apprehended that ſeveral able bodied Men have abſconded, and others may, before the ſaid Forces be compleated, abſcond and ſecret themſelves, to prevent their being detached on the aforeſaid Service; **Be it Enacted** *by the Authority aforeſaid*, That the ſeveral and reſpective Militia Captains, or next commanding Officers, ſhall be, and hereby are fully impowered, authorized, required and directed, with ſuch Force as they ſhall think neceſſary, to make diligent and ſtrict Search for all ſuch abſconded Perſons belonging to their reſpective Companies, or whoſe uſual Reſidence is within their reſpective Diſtricts or Beats, and take, ſeize, and ſecure all ſuch of the ſaid abſconded Perſons as they can meet with, wherever they can be found, in the ſeveral and reſpective Counties they belong to, and ſend them on the aforeſaid Service, as Part of the Quota to be furniſhed by their reſpective Companies. And in caſe any of the ſaid abſconded Perſons ſhall not be found before the March of the Force to the General Rendezvous, it ſhall and may be lawful for the ſaid ſeveral and reſpective Captains, or next commanding Officers reſpectively, with ſuch Forces as they ſhall find neceſſary, to take, ſeize, and ſecure all ſuch abſconded Perſons, as ſhall or may afterwards be found, and ſend them on the aforeſaid Service as Recruits, for the Forces furniſhed by this Colony, on the aforeſaid important Service.

XLVIII. **And be it further Enacted** *by the Authority aforeſaid*, That in caſe any Surgeon or Phyſician, or any other Number of Aſſiſtants for them, being

being appointed by his Honour the Lieutenant Governor or Commander in Chief for the Time being, to attend the aforesaid Forces, shall refuse, neglect, or delay to go upon the said Service, each Person so refusing, neglecting or delaying, shall forfeit and pay the Sum of *One Hundred Pounds*, for such Refusal, Neglect, or Delay; the said Forfeitures to be sued for and recovered by the Treasurer of this Colony; and when recovered, lodged in the Treasury, until the same shall be disposed of by some future Act of this Colony.

Penalty for Surgeons and Physicians refusing to go on the Service when appointed.

CHAP. CXXXVIII.

An ACT *to raise, levy, and collect, a Sum not exceeding the Sum of* Five Hundred Pounds, *in* Kings *County, towards building a new Court House and Goal in the said County.*

Obsolete.

Pass'd the 24th March, 1758.

CHAP. CXXXIX.

An ACT *to prevent the bringing in and spreading of infectious Distempers in this Colony.*

Pass'd the 24th of March, 1758.

IN order, as much as may be, to prevent the Small-Pox, Yellow-Fever, or any other contagious Distemper being brought into this Colony;

I. **Be it Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby* **Enacted** *by the Authority of the same,* That all Trading Vessels, Transports, and Others, having the Small-Pox, Yellow-Fever, or other contagious Distemper on board; and all Persons, Goods, and Merchandizes whatsoever, coming or imported in such Vessels; and all Vessels coming from any Place infected with such Distempers, shall not come into any the Ports or Harbours of this City, or nearer to it, than the Island commonly called *Bedlow's* Island, and shall be obliged to make their Quarantaine there, or in such other Place or Places, for such Time and in such Manner, as the Governor or Commander in Chief, by and with the Advice and Consent of His Majesty's Council, shall think proper, and reasonable to direct and appoint. And until such Vessel, Person, Goods and Merchandize, shall have respectively performed, and be discharged from such Quarantaine, no such Persons, Goods, or Merchandize, or any of them, shall come or be brought on Shore, unloaded, or go or be put on board of any other Vessel within this Colony, or the neighbouring Colony of *New-Jersey*, unless they shall be first permitted and licenced by Order from the Governor or Commander in Chief for the Time being, by and with Consent of the Council. And all Masters or Commanders of such Vessels, and all others who shall presume to put on Shore, unload, or put on board any other Vessel as aforesaid, any Person or Persons, Goods or Merchandizes, contrary to the true Intent and Meaning of this Act, having first Notice thereof, shall forfeit the Sum of *Two Hundred Pounds*, Current Money of this Colony.

Vessels having contagious Distempers on board, not to come nearer the city than Bedlow's Island.

Penalty.

II. **Be it also Enacted** *by the Authority aforesaid,* That the several Branch Pilots belonging to this Colony, or any other Person or Persons who shall be thereunto appointed and sent by the Government, shall use their utmost Endeavours to hail every Vessel coming into this Colony from Sea, and shall ask and demand of the Master, or Commander of every such Vessel, whether

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they have come from any Place infected with the Small-Pox, Yellow-Fever, or other infectious Diſtemper, or have any Perſon on board infected with any ſuch Diſtemper, and if he ſhall be informed the ſaid Veſſel hath come from any Place infected with the Small-Pox, Yellow-Fever, or any other infectious Diſtemper, or hath any Perſon or Perſons ſick on board with any ſuch Diſtemper, they ſhall immediately give Notice to the Commander of the ſaid Veſſel, of the Penalty aforeſaid, and forbid his going any farther with his Veſſel than *Bedlow*'s Iſland aforeſaid; and that he anchor there, until he ſhall have further Directions from the Governor and Council of this Colony, what to do, and how to conduct himſelf: And alſo to forbid his putting on Shore, unloading, or putting on board any other Veſſel, any Perſon or Goods out of his ſaid Veſſel, under the Penalty aforeſaid. And any Branch Pilots, or any other Perſon thereunto appointed, neglecting his or their Duty therein, ſhall reſpectively forfeit the Sum of *Fifty Pounds*: And if any Perſon or Perſons ſhall come on Shore from ſuch Veſſel, it ſhall and may be lawful, by Force and Violence, to compel ſuch Perſon or Perſons to return on board the ſaid Veſſel, or to diſpoſe of them in ſome other Place, in order to prevent the Infection. And if any Perſon or Perſons who may happen to be infected with any of the before-mentioned Diſtempers, though they belong not to any Veſſel, nor appear to have been on board of any ſuch Veſſel, ſuch Perſon or Perſons are, and ſhall be deemed within the Meaning of this Act.

Pilots obliged to give notice to the Captains of each infected Veſſel, of the Penalty inflicted by this Act for Diſobedience.

Penalty for Pilots neglecting their Duty therein.

III. **And be it Enacted**, That in Caſe any Veſſel ſhall come from any Place viſited with ſuch contagious Diſtempers, or have any Perſon or Perſons on board, actually infected with the Small-Pox, Yellow-Fever, or other contagious Diſtemper, and the Commander of ſuch Veſſel, upon Demand made as aforeſaid, ſhall not make a true Diſcovery thereof, ſuch Commander ſhall forfeit the Sum of *Two Hundred Pounds*; and the Governor or Commander in Chief of this Colony, is hereby authorized and impowered, to appoint ſome Surgeon or Phyſician, to inſpect all Veſſels and Perſons ſuſpected of having on board, or being viſited with any ſuch infectious Diſtempers, who is hereby required immediately to go on board ſuch Veſſel, and make ſtrict Enquiry into the Premiſſes, and report the ſame accordingly: For which Enquiry and Examination, ſuch Surgeon or Phyſician, ſhall be paid by the Maſter or Owner of the ſaid Veſſel, the Sum of *Twenty-eight Shillings* for each ſuch Examination.

Captains refuſing to make a true Diſcovery of any perſon infected on board his Veſſel, to forfeit £. 200.

IV. **And be it further Enacted** *by the Authority aforeſaid*, That the aforeſaid Fines and Forfeitures, ſhall be one Third for any Perſon or Perſons who will ſue for, and proſecute the ſame to Effect; and the other two Thirds to His Majeſty, his Heirs and Succeſſors, towards the Support of his Government in this Colony, and be paid into the Treaſury for that Purpoſe, accordingly. This Act to continue and remain of Force to the *Firſt* Day of *January*, One Thouſand Seven Hundred and Sixty-two.

Diſpoſition of the Fines and Forfeitures.

CHAP. CXL.

An ACT *for raiſing by a public Lottery, the Sum of* One Thouſand One Hundred and Twenty-five Pounds, *for the Uſe of the Corporation of the City of* Albany.

Obſolete. Revived by Chap. 156.

Paſs'd the 24th of March, 1758.

CHAP. CXLI.

An ACT *for payment of the Debts of this Colony.*

Obſolete.

Paſs'd the 3d June, 1758.

CHAP.

CHAP. CXLII.

31st GEORGE II. A. D. 1758.

An ACT *to revive an Act, entitled,* An *Act for regulating the Pilots, and eſtabliſhing their Pilotage between* Sandy-Hook *and the Port of* New-York, *and other Purpoſes therein mentioned.*

Paſs'd the 3d June, 1758.

See Chap. 119. ante.
Expired 1ſt January 1759.
Provided for by Chap. 161.

CHAP. CXLIII.

32d GEORGE II. A. D. 1758.

An ACT *further to continue an Act, entitled,* An *Act for granting to his Majeſty the ſeveral Duties and Impoſitions on Goods, Wares, and Merchandizes imported into this Colony, therein mentioned.*

Paſs'd the 16th December, 1758.

See Chap. 124. ante.
Continued by Chap. 168.

WHEREAS the ſeveral Duties and Impoſitions on Goods, Wares, and Merchandizes imported into this Colony, and granted for the Support of his Majeſty's Government by the abovementioned Act, have, by ſubſequent Acts, been continued to the firſt Day of *January* next. And the General Aſſembly being willing to make Proviſion for the further Support thereof:

I. **Be it Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the above-mentioned Act, entitled, *An* Act *for granting to his Majeſty the ſeveral Duties and Impoſitions on Goods, Wares, and Merchandizes imported into this Colony, therein mentioned*; ſhall be, and hereby is continued; and every Clauſe, Matter and Thing therein contained, Enacted to be and remain in Force to all Intents, Conſtructions, and Purpoſes whatſoever, from the ſaid firſt Day of *January* next, until the firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty, both Days incluſive.

Act continued.

CHAP. CXLIV.

An ACT *for the Payment of the Salaries of the ſeveral Officers of the Government, to the firſt Day of* September *One Thouſand Seven Hundred and Fifty Nine, and other Services therein mentioned.*

Paſs'd the 16th December, 1758.

Obſolete.

CHAP. CXLV.

An ACT *to regulate the collecting the Duty of Exciſe on ſtrong Liquors retailed in this Colony, from the firſt Day of* January, *One Thouſand Seven Hundred and Fifty-nine, to the firſt Day of* January *One Thouſand Seven Hundred and Sixty.*

Paſs'd the 16th December, 1758.

Expired 1ſt January 1760.

CHAP. CXLVI.

An ACT *further to continue an Act, entitled,* An *Act for erecting and eſtabliſhing a Stamp-Office in this Colony, for ſtamping all Vellum, Parchment, and Paper, charged with the ſeveral Duties therein mentioned; with an Addition thereto.*

Paſs'd the 16th December, 1758.

See Chap. 127. ante.
Expired 1ſt January 1760.

CHAP.

12d GEORGE II. A. D. 1758.

CHAP. CXLVII.

See Chap. 128.

An ACT *further to continue an Act, entitled,* An *Act for laying an Excise upon all Tea of foreign Growth retailed within this Colony, with Additions thereto.*

Pass'd the 16th December, 1758.

[This Act continued the Excise Act till 1st January 1760, but Mr. *Lynsen*, the Manager, dying before that Time, a new Act passed to make a like Provision, which is Chap. 171, Post.]

CHAP. CXLVIII.

See Chap. 51, 75 103, 120, 126, ante.
Continued by Chap. 170.

An ACT *further to continue an Act, entitled, An Act for regulating the Militia of the Colony of* New-York, *together with the two Acts therein mentioned, respecting the regulating the Militia of* New-York, *with an Addition thereto.*

Pass'd the 16th December, 1758.

BE it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same,* That the Act aforesaid, entitled, *An* Act *for regulating the Militia of the Colony of* New-York; passed in the Twenty-eighth Year of his Majesty's Reign: And likewise one other Act, entitled, *An* Act *to continue an Act, entitled,* An *Act for regulating the Militia of the Colony of* New-York, *with some Additions thereto*; passed in the Twenty-ninth Year of his Majesty's Reign: And also one other Act, entitled, *An* Act *to amend an Act, entitled,* An *Act for regulating the Militia of the Colony of* New-York; passed in the Thirtieth Year of his Majesty's Reign; shall be, and hereby are continued, and every Clause, Article, Matter and Thing in the said three Acts contained, Enacted to be and remain in full Force and Virtue, to all Intents, Constructions and Purposes whatsoever, from the first Day of *January*, which will be in the Year of our Lord One Thousand Seven Hundred and Fifty-nine, until the first Day of *January*, One Thousand Seven Hundred and Sixty.

Acts continued.

II. AND whereas in the Counties of *Ulster* and *Orange*, there are several Places inhabited, which lie at a great Distance from the respective Colonels or commanding Officers of the Regiments in the said Counties; and consequently the waiting for their Orders would much expose such Places to the Ravages of small Parties of the Enemy: **Be it therefore Enacted** *by the Authority aforesaid,* That the Captains, or next commanding Officers of the several and respective Companies, within the respective Counties aforesaid, nearest to any such Place as shall be invaded, shall immediately call together his or their Company or Companies, and forthwith march them towards, and use their utmost Endeavours to repel and drive off the Enemy; and on the first Notice of such Invasion, shall dispatch an Express to the commanding Officer of one of the respective Regiments of the said Counties, with Intelligence thereof, and of the Number and Motions of the Enemy, according to the best Information he or they shall have obtained; any Thing in any of the said Acts to the Contrary notwithstanding.

Additional Clause.

CHAP.

32d GEORGE II A. D. 1758.

CHAP. CXLIX.

An ACT *further to continue an Act, entitled, An Act for billeting and quartering his Majesty's Forces within this Colony.*

Pass'd the 16th December, 1758.

See Chap. 130. ante.
Continued by Chap. 172.

BE it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same,* That one Act, entitled, *An* Act *for billeting and quartering his Majesty's Forces within this Colony,* passed in the Thirtieth Year of his Majesty's Reign, (which will expire on the first Day of *January* next) shall be, and hereby is continued, and every Clause, Matter and Thing therein contained, Enacted to be and remain of Force, to all Intents, Constructions and Purposes whatsoever, until the first Day of *January*, One Thousand Seven Hundred and Sixty.

Act continued.

CHAP. CL.

An ACT *to revive an Act, entitled,* An *Act for the better apprehending and securing Deserters from his Majesty's Forces in* North-America, *with Additions thereto.*

Pass'd the 16th December, 1758.

See Chap. 121. Continued by Chap. 175.

WHEREAS an Act, entitled, *An* Act *for the better apprehending and securing Deserters from his Majesty's Forces in* North-America, made and passed in the Thirtieth Year of his present Majesty's Reign, expired on the first Day of *January* last: And it appearing necessary, particularly at this critical and extraordinary Conjuncture, that the same be revived;

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same,* That the aforesaid Act, entitled, *An* Act *for the better apprehending and securing Deserters from his Majesty's Forces in* North-America; shall be, and is hereby revived, and every Article, Matter, and Clause therein contained, Enacted to be in full Force, to all Intents, Constructions and Purposes whatsoever, from the Publication hereof, until the first Day of *January*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty.

II. **And be it further Enacted** *by the Authority aforesaid,* That if any Captain of a private Vessel of War, or Master of any Trading Vessel, shall, during the Continuance of this Act, take on board and carry off, or transport out of this Colony, any such Deserter or Deserters, as are meant and intended by the aforesaid Act, to be apprehended, seized, and taken up, the said Person or Persons so offending, shall, for each Deserter he or they shall so carry off, forfeit and pay the Sum of *Fifty Pounds*. And every Boatman, Ferryman, or other Person or Persons whomsoever, who shall carry over any River, Creek, Bay, or Ferry within this Colony, or out of this into any other Colony, any such Deserter or Deserters, the Person or Persons so offending, shall, for each such Deserter so carried over, forfeit the Sum of *Ten Pounds*; the aforesaid respective Forfeitures, to be sued for, and recovered in any Court of Record within this Colony, by any Person or Persons who shall sue for the same, and applied to his, her, or their own Use.

Masters of Vessels forbid to carry off Deserters.

Penalty.

III. **And be it Enacted,** That this Act, and the Act first abovementioned, shall be, and hereby are extended, and shall be construed to extend, to the Forces in the Pay of this Colony.

32d GEORGE II A. D. 1758.

CHAP. CLI.

An ACT *to impower Juſtices of the Peace to try Cauſes to the Value of* Five Pounds, *and under.*

Paſs'd the 16th December, 1758.

Expired 1ſt January 1760, but more amply provided for by Chap. 177, poſt.

CHAP. CLII.

An ACT *further to continue the Currency of the Bills of Credit, emitted by Virtue of an Act, entitled,* An *Act for emitting Bills of Credit for the Payment of the Debts, and for the better Support of the Government of this Colony, and other Purpoſes therein mentioned.*

Paſs'd the 16th December, 1758.

Preamble.

WHEREAS an Act, entitled, *An* Act *for emitting Bills of Credit for the Payment of the Debts, and for the better Support of the Government of this Colony, and other Purpoſes therein mentioned*; paſſed in the Eleventh Year of his Majeſty's Reign, has, by ſeveral ſubſequent Acts, been prolonged and continued, until the third Tueſday in *April*, which will be in the Year of our Lord One Thouſand Seven Hundred and Fifty Nine. And whereas the Circumſtances of the Colony ſtill require the Aid of the Intereſt Money ariſing on the Bills of Credit iſſued by the Act firſt aforeſaid, for ſupporting the Government thereof:

The Time for which the Intereſt Money ſtands appropriated for the Support of the Government of this Colony, prolonged.

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That the Time for which the ſaid Intereſt Money ſtands appropriated, for the Support of the Government of this Colony, by the laſt ſubſequent Act aforeſaid, entitled, *An* Act *further to continue the Currency of the Bills of Credit, emitted by Virtue of an Act, entitled,* An *Act for emitting Bills of Credit for the Payment of the Debts, and for the better Support of the Government of this Colony, and other Purpoſes therein mentioned*; ſhall be, and hereby is deferred, removed, and further prolonged, until the third Tueſday in the Month of *April*, which will be in the Year of our Lord, One Thouſand Seven Hundred and Sixty; Any Thing in any of the aforeſaid Acts to the contrary notwithſtanding. And that at the Time laſt mentioned, One-fourth Part of the ſaid Bills of Credit, and the Remainder thereof, in the next three ſucceeding Years, ſhall be paid in, cancelled, and deſtroyed, at the Times, and in the Manner directed, in and by an Act, entitled, *An* Act *for the more effectual cancelling the Bills of Credit of this Colony*, paſſed in the Twenty-firſt Year of his Majeſty's Reign: And that, as well the ſaid firſt mentioned Act, as one other Act, entitled, *An* Act *to facilitate and explain the Duty of the Loan-Officers in this Colony*, paſſed in the ſaid Eleventh Year of his Majeſty's Reign; and every the Clauſes, Articles, Matters, and Things in them contained, ſhall be, and hereby are Enacted to continue and remain of full Force and Virtue, to all Intents, Conſtructions and Purpoſes whatſoever, until the third Tueſday in *April*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty Three; any Thing in the ſaid Acts to the contrary notwithſtanding.

II. **And be it further Enacted** *by the Authority aforeſaid,* That the ſaid Bills, during the Time they are hereby Enacted to remain current, ſhall continue to be put out at Intereſt, in the ſame Manner and Method as in the ſaid firſt mentioned Act is directed; and that all the Intereſt Money which may ariſe on them during that Time, ſhall, from Time to Time, be employed to and for

32d GEORGE II. A. D. 1758.

for the Support of the Government of this Colony, in such Manner as shall, by Act or Acts hereafter to be passed for that Purpose, be ordered and directed, and not otherwise, except so much thereof as may be necessary for sinking and cancelling the Sum of *Eight Thousand and Fifty Nine Pounds Fourteen Shillings and Eleven Pence*, emitted in Bills of Credit, by Virtue of the Act first aforesaid, for paying the Debts then due from this Colony.

The Loan Officers impowered to alter the Form of Mortgages, to answer the Intent of this Act.

III. **And be it further Enacted** *by the Authority aforesaid*, That the Loan-Officers of the several Cities and Counties within this Colony, for the Time being, shall be, and hereby are fully authorized and impowered to alter the Form of all such Mortgages as shall by them or any of them hereafter be taken in any of their Offices, in Relation to the Time and Times of Payment, in such Manner as to make the same answerable to the true Intent and Meaning of this Act; any Thing in any the aforesaid Acts to the contrary notwithstanding.

And if they suspect the Insufficiency of Sureties, to demand Payment of the principal Sums, notwithstanding the due Payment of the Interest thereof, or further sufficient Security;

and upon Failure of Payment to sell the mortgaged Lands.

IV. **And be it further Enacted** *by the Authority aforesaid*, That whensoever the Loan-Officers of the several Cities and Counties within this Colony shall, from the Information of any one of the Supervizors in the respective Counties of this Colony, or from the Information of the Justices and Vestrymen of the City of *New-York*, or the major Part of them, have sufficient Reason to suspect the Insufficiency of any of the Securities taken, or to be taken, for any Sums of Money lent, or to be lent, out of any of their several Offices, either as to the Value or Title of the said Securities; they the said Loan-Officers shall be, and hereby are impowered and required, to demand Payment of the principal Sums, notwithstanding the due Payment of the Interest thereof, or farther sufficient Security; and upon failure of due Payment of such principal Sums, or refusing, or neglecting to give further sufficient Security within Fourteen Days after such Demand made, to proceed to the Sale of the mortgaged Lands, or to such other Remedy as is given by the first aforesaid Act, according to the Nature of the Case, and therein to pursue the Rules and Directions prescribed in and by the said Act; any Thing therein contained to the contrary notwithstanding.

If any of the Loan-Officers Securities be desirous to be discharged from their Engagements, to give notice thereof.

And others are to be provided.

V. **And be it further Enacted** *by the Authority aforesaid*, That if any of the Persons who became Securities for the Loan-Officers, pursuant to the first aforesaid Act, shall be desirous of being discharged from continuing longer under their said Engagements, they shall give Notice thereof in Writing, to the Supervizors of the respective Counties, or to the Mayor and Aldermen of the respective Cities where they stand engaged, between the first Tuesday of *February*, and the first Tuesday of *March*, in the Year One Thousand Seven Hundred and Fifty Nine. And the said Supervizors, or Mayor and Aldermen respectively, shall immediately thereafter give Notice in Writing, to the respective Loan-Officers, whose Sureties so desire to be discharged, that he or they do, by the first Tuesday in *April* then next following, provide and give new Surety. And in case any of the said Loan-Officers so notified as aforesaid, shall fail in giving new Surety, to the Satisfaction of the said Supervizors, or Mayor and Aldermen respectively, by the said Day; then the said Supervizors, or Mayor and Aldermen respectively, shall proceed to the Choice of a new Loan-Officer or Loan-Officers, in the Room and Stead of such so failing; and in their Proceeding thereon, shall pursue the Directions of the first aforesaid Act, with Respect to the Choice of new Loan-Officers, in the several Cases therein mentioned; any Thing in this or the aforesaid Acts to the contrary notwithstanding.

CHAP.

32d GEORGE II A. D. 1758.

CHAP. CLIII.

An ACT *more effectually to prevent the killing of Deer, and firing the Woods within this Colony.*

Paſs'd the 16th December, 1758.

BE it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That if any Perſon or Perſons, after the Publication of this Act, ſhall kill or deſtroy any wild Buck, Doe, or Fawn, or any other Sort of Deer whatſoever, at any Time in the Months of *January, February, March, April, May,* or *June,* every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of *Three Pounds* for every ſuch Buck, Doe, Fawn, or other Deer, ſo killed or deſtroyed as aforeſaid, contrary to the true Intent or Meaning of this Act: The one half whereof ſhall be to him or her who ſhall inform, and ſue for the ſame before any one Juſtice of the Peace, in ſuch County where the Offence ſhall be committed; who is hereby impowered and required, to hear and determine the ſame, and to convict the Offender or Offenders by the Oath or Affirmation of one or more credible Witneſſes, provided that ſuch Conviction be made within two Months after ſuch Offence committed; and the other Half ſhall be to the Poor of the Precinct where the ſaid Offence ſhall be committed.

Penalty for Perſons killing or deſtroying of Deer within the months mentioned.

II. And for the better convicting of Offenders againſt this Act, Be it Enacted *by the Authority aforeſaid,* That every Perſon in whoſe Cuſtody ſhall be found, or who ſhall expoſe to Sale any green Deer Skins, Freſh Veniſon, or Deers Fleſh, at any Time in any of the Months before mentioned, and ſhall be convicted thereof as aforeſaid, ſhall be deemed guilty of the ſaid Offence.

Perſons convicted of expoſing to Sale any green Deer ſkins or Veniſon in any of the aforeſaid Months, liable to ſaid Penalty.

III. And Whereas ſeveral idle ſtroling Perſons come out of other Governments, into ſome Parts of this Colony, and continue lurking about in private in the Woods, and kill and deſtroy the Deer for the Sake of the Skins only, leaving the Fleſh in the Woods to rot; and at the ſame Time firing the Woods, to the manifeſt Injury of the Inhabitants of this Colony: For Remedy whereof, Be it Enacted *by the Authority aforeſaid,* That from and after the Publication of this Act, if any Perſon or Perſons, not being an Inhabitant reſiding in this Colony, ſhall come into the ſame, and kill or deſtroy any wild Buck, Doe, Fawn, or other Deer, and being thereof convicted as aforeſaid, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of *Five Pounds,* to be recovered and applied in the Manner before mentioned, and for Want of Effects to anſwer the aforeſaid Fine of *Five Pounds,* to be committed to the common Goal of the County where ſuch Offence ſhall be committed, for the Space of three Months, if not ſooner diſcharged by paying the ſaid Fine of *Five Pounds.*

Perſons coming out of any other Government into this, who kill or deſtroy any Deer, and being thereof convicted, to forfeit 5 *l.*

IV. And be it further Enacted *by the Authority aforeſaid,* That if any Perſon or Perſons, from and after the Publication of this Act, ſhall wilfully ſet Fire to the Woods in any Part of this Colony, and be thereof convicted before any one of his Majeſty's Juſtices of the Peace, dwelling in the County where ſuch Offence ſhall be committed, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay the Sum of *Five Pounds,* and be liable to all ſuch Damages as any of the Inhabitants in the Counties ſhall, or do ſuffer by ſuch firing the Woods as aforeſaid; and for Want of Effects to pay ſuch Fine, the Offender or Offenders, ſhall be committed to the common Goal of the ſaid County where ſuch Offence ſhall be committed, for the Space of three Months

Penalty for wilfully ſetting Fire to the Woods.

Months, unless the said Fine and all Costs be sooner paid: Which Fine shall be disposed of in like Manner, as the before mentioned Fines, in this Act are directed.

V. **Always Provided, and be it further Enacted** *by the Authority aforesaid,* That neither this Act, nor any Thing therein contained, shall be taken, or construed, to hinder any Person from firing the Woods upon his own Lands; *Provided,* such do not suffer the said Fire to run off the same, upon Pain and Penalty of the Damages aforesaid. Proviso.

VI. **And be it further Enacted** *by the Authority aforesaid,* That one Act, entitled, *An* Act *to prevent killing of Deer,* passed in the 24th Year of his Majesty's Reign, shall be, and hereby is repealed. Act repealed. Chap 892, vol I.

CHAP. CLIV.

An ACT *to regulate the taxing of real and personal Estates in the City and County of* New-York, *collecting the Taxes, and for preventing Disputes between Landlords and their Tenants.* Expired 1st January 1761.

Pass'd the 16th of December, 1758.

CHAP. CLV.

An ACT *to impower and enable the Mayor, Recorder, and Aldermen of the City of* New-York *for the Time being, or the major Part of them, to order the raising a Sum, not exceeding* Twelve Hundred Pounds, *by a Tax on Estates real and personal in the said City.* Obsolete.

Pass'd the 16th December, 1758.

CHAP. CLVI.

An ACT *to revive an Act, entitled,* An *Act for raising by a publick Lottery, the Sum of* One Thousand One Hundred and Twenty Five Pounds, *for the Use of the Corporation of the City of* Albany. See Chap. 140. Obsolete.

Pass'd the 16th December, 1758.

CHAP. CLVII.

An ACT *to impower the Justices of the Peace, and Aldermen in the Borough of* Westchester, *in Conjunction with the Supervizors of the said County, to ascertain and fix the Place for erecting a new Court-House and Goal for the said County; and for raising a Sum not exceeding the Sum of* One Thousand Pounds, *on the Estates real and personal, of all the Freeholders and Inhabitants of the said County, for and towards erecting the said Court-House and Goal.* Obsolete.

Pass'd the 16th December, 1758.

CHAP. CLVIII.

An ACT *to impower and enable the Supervizors of* Queens *County, to raise, by a Tax on all real and personal Estates, in the said County, such Sum or Sums of Money as they shall judge necessary and expedient, for relieving such Parts of the said County as are burthened with the quartering his Majesty's Regular Troops.* Expired 1st January 1760.

Pass'd the 16th December, 1758.

32d GEORGE II A. D. 1758.

CHAP. CLIX.

Continued by Chap. 186.

An ACT *to reſtrain the feeding and burning the Graſs, and cutting the Timber on certain Beaches and Iſlands therein mentioned.*

Paſs'd the 16th December, 1758.

Preamble.

WHEREAS the Proprietors of the Townſhips of *Brookhaven*, *Huntington*, and *Iſlip*, in *Suffolk* County, have, by Petition to the General Aſſembly, repreſented the great Damages they ſuſtain in their Lands and Meadows adjoining to and bordering on the great South Bay, on the South Side of *Naſſau* Iſland, by Reaſon of the frequent overflowing the ſame by the Waters from the Sea, let through the Beaches and Iſlands lying oppoſite thereto, occaſioned by the feeding and burning the Graſs, and cutting the Timber growing on the ſaid Beaches and Iſlands; and prayed, that the feeding and burning the Graſs, and cutting the Timber on the ſaid Beaches, might be reſtrained.

No Horſes, Cattle Sheep or Hogs, to run on the Beaches or Iſlands between Maſtick Gut and Huntington Weſt Gut.

I. **Be it Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That from and after the firſt Day of *May* next, no Horſes, Neat Cattle, Sheep or Hogs, ſmall or great, ſhall be ſuffered to go, run or feed, on any of the Beaches or Iſlands, lying between a certain Gut or Inlet, called *Maſtick* Gut, to the Eaſtward, and another certain Gut or Inlet, called *Huntington* Weſt Gut, to the Weſtward. And in Caſe any Horſes, Neat Cattle, Sheep or Hogs, ſmall or great, ſhall, after the ſaid firſt Day of *Auguſt* next, during the Continuance of this Act, be found on any the ſaid Beaches or Iſlands, it ſhall and may be lawful for any Perſon or Perſons whatſoever, to take, ſeize, and keep the ſaid Horſes, Neat Cattle, Sheep, or Hogs, as, and for their own abſolute Property; any Law, Uſage or Cuſtom to the Contrary notwithſtanding. **Always Provided,** That this Act, nor any Thing therein contained, ſhall be conſtrued to debar, or prevent any Perſon or Perſons whatſoever, having Meadows on the ſaid Beaches or Iſlands, from carrying on, uſing and feeding ſo many Oxen and Horſes on the ſaid Beaches and Iſlands, as ſhall be neceſſary for carting and ſtacking their Hay, during the proper Seaſon of getting and ſecuring thereof.

Penalty for Perſons ſetting Fire to, or burning the Graſs on any of the ſaid Beaches or Iſlands.

II. **And be it further Enacted** *by the Authority aforeſaid,* That if any Perſon or Perſons whatſoever, ſhall, during the Continuance of this Act, ſet Fire to, or burn the old Graſs, or cut any of the Timber on any of the ſaid Beaches or Iſlands, he, ſhe, or they ſo offending, on due Proof thereof, ſhall forfeit and pay the Sum of *Five Pounds,* to any Perſon or Perſons who will ſue for the ſame, to his, her, or their own proper Uſe. This Act to continue in Force until the firſt Day of *May,* in the Year One Thouſand Seven Hundred and Sixty.

The

32d GEORGE II
A. D. 1759.

The Twenty-first ASSEMBLY.

FIRST SESSION.

CHAP. CLX.

An ACT *for raising a Supply of* One Hundred Thousand Pounds, *for levying, paying, and cloathing, Two Thousand Six Hundred and Eighty effective Men, Officers included, for forming, with the Forces of the neighbouring Colonies, an Army of Twenty Thousand Men, to invade, in Conjunction with a Body of his Majesty's regular Troops, the* French *Possessions in* Canada; *for emitting Bills of Credit for the like Sum; and for sinking and cancelling the said Bills in short Periods.*

Pass'd the 7th March, 1759.

Preamble.

WHEREAS his Majesty has been pleased to order an Expedition by an Army of Twenty Thousand provincial Forces, in Conjunction with a Body of his Majesty's regular Troops, for invading *Canada*, and carrying War into the Heart of the Enemy's Possessions: And this his Majesty's loyal Colony, being heartily disposed to exert themselves to their Utmost, on this important Occasion.

100,000*l.* granted to his Majesty, to be raised by a Tax on Estates real and personal, in the following Manner.

I. Be it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby* Enacted *by the Authority of the same*, That for and towards levying, paying, and cloathing Two Thousand Six Hundred and Eighty effective Men, Officers included, to act in the said Expedition, with the Forces of the neighbouring Colonies, and a Body of his Majesty's regular Troops, there be given and granted unto his Majesty, his Heirs and Successors, the Sum of *One Hundred Thousand Pounds*, which shall be assessed, raised, and levied upon the Estates real and personal, of all and every the Freeholders, Inhabitants, and Residents within this Colony, and shall be collected and paid in Manner following; *that is to say*, The Sum of *Twelve Thousand Pounds*, on or before the first Tuesday in *November*, in this present Year One Thousand Seven Hundred and Fifty-nine. The Sum of *Eleven Thousand Pounds*, on or before the first Tuesday in *November*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty; the like Sum of *Eleven Thousand Pounds*, on or before the first Tuesday in *November*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty One; the like Sum of *Eleven Thousand Pounds*, on or before the first Tuesday in *November*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty Two; the like Sum of *Eleven Thousand Pounds*, on or before the first Tuesday in *November*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty Three; the like Sum of *Eleven Thousand Pounds*, on or before the first Tuesday in *November*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty Four; the like Sum of *Eleven Thousand Pounds*, on or before the first Tuesday in *November*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty Five; the like Sum of *Eleven Thousand Pounds*, on or before the first Tuesday in *November*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty Six; and the like Sum of *Eleven Thousand Pounds*, on or before the first Tuesday in *November*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty Seven. Which said Sum of

Twelve

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Thouſand Pounds, and ſaid Sums of *Eleven Thouſand Pounds*, hereby appointed to be paid on the Days and Times beforementioned, ſhall be yearly raiſed, levied and paid by the Freeholders, Inhabitants and Reſidents in the ſeveral and reſpective Cities and Counties within this Colony, during the Nine Years abovementioned, according to the Quotas and Proportions following, *that is to ſay:*

In the City and County of *New-York*, during the firſt abovementioned Year, the Sum of *Four thouſand Pounds.*

In the City and County of *Albany*, during the ſaid Year, the Sum of *Two thouſand Pounds.*

Yearly proportion of each County in ſaid Tax.

In *Kings* County, during the ſaid Time, the Sum of *Five Hundred and ſeventeen Pounds Six ſhillings and Eight-pence.*

In *Queens* County, during the ſaid Time, the Sum of *One thouſand and ſeventy Pounds thirteen ſhillings and Four-pence.*

In *Suffolk* County, during the ſaid Time, the Sum of *Nine Hundred and twenty Pounds.*

In *Richmond* County, during the ſaid Time, the Sum of *Three Hundred and twenty-five Pounds Six ſhillings and Eight-pence.*

In *Weſtcheſter* County, during the ſaid Time, the Sum of *One thouſand and ſeventy Pounds thirteen ſhillings and Four-pence.*

In *Ulſter* County, during the ſaid Time, the Sum of *Nine Hundred and twenty Pounds.*

In *Dutcheſs* County, during the ſaid Time, the Sum of *Eight Hundred and fifty ſix Pounds.*

And in *Orange* County, during the ſaid Time, the Sum of *Three Hundred and twenty Pounds.*

And for and towards the ſaid Sums of *Eleven thouſand Pounds*, ſhall be paid annually for and during the eight laſt abovementioned Years,

In the City and County of *New-York*, yearly, during the ſaid Time, the Sum of *Three thouſand Six Hundred and ſixty ſix Pounds thirteen ſhillings and four Pence.*

In the City and County of *Albany*, yearly, during the ſaid Time, the Sum of *One thouſand eight hundred and thirty three pounds Six ſhillings and eight pence.*

In *Kings* County, yearly, during the ſaid Time, the Sum of *Four hundred and ſeventy four pounds Four ſhillings and five pence.*

In *Queens* County, yearly, during the ſaid Time, the Sum of *Nine hundred and eighty one pounds Eight ſhillings and eleven pence.*

In *Suffolk* County, yearly, during the ſaid Time, the Sum of *Eight hundred and forty three pounds Six ſhillings and eight pence.*

In *Richmond* County, yearly, during the ſaid Time, the Sum of *Two hundred and ninety eight pounds four ſhillings and five pence.*

In *Weſtcheſter* County, yearly, during the ſaid Time, the Sum of *Nine hundred and eighty one pounds eight ſhillings and eleven pence.*

In *Ulſter* County, yearly, during the ſaid Time, the Sum of *Eight hundred and forty three pounds ſix ſhillings and eight pence.*

In *Dutcheſs* County, yearly, during the ſaid Time, the Sum of *Seven hundred and eighty four pounds thirteen ſhillings and four pence.*

And in *Orange* County, yearly, during the ſaid Time, the Sum of *Two hundred and ninety three pounds ſix ſhillings and eight pence.*

II. AND to the End the full Sum intended by this Act, may be effective and complete; **Be it Enacted** *by the Authority aforeſaid*, That over and above the ſeveral Quotas above-mentioned, there ſhall be raiſed, aſſeſſed, levied, and collected, the reſpective Sums following, *that is to ſay*; On the Quota for the City and County of *New-York*, the Sum of *Three Pence*, over and above every Pound,

Allowance to the Collectors of ſaid Tax.

Pound, to be retained in the Hands of the ſeveral Collectors, as a Reward for their Trouble in collecting and paying the ſame to the Treaſurer of this Colony: And on the Quotas for the City and County of *Albany*, and all the other Counties in this Colony, the Sum of *Eight-pence*, over and above every Pound; out of which the ſeveral Collectors may retain in their Hands the Sum of *Six-pence* on each Pound, for collecting and paying the ſame to the ſeveral County Treaſurers; and the remaining *Two-pence*, the County Treaſurers reſpectively may retain in their Hands, as a Reward for their Trouble and Service in receiving and paying the Monies ariſing by this Act to the Treaſurer of this Colony.

III. AND to the End that Aſſeſſments may be made in ſuch convenient Time by the Aſſeſſors, that the Sums intended to be raiſed by this Act, may be collected and paid at the Times herein after mentioned and appointed. And that Aſſeſſments may be truly, equally, and impartially made, as of Right they ought to be; **Be it Enacted** *by the Authority aforeſaid*, That the Mayor, Recorder and Aldermen of the City and County of *New-York*, or the greater Part of them for the Time being, ſhall meet and aſſemble at the City Hall of the ſaid City, on the firſt Tueſday in *June* every Year, during the ſaid Nine Years, and then and there iſſue their Warrants to the ſeveral and reſpective Aſſeſſors of the ſaid City and County, to take a true and exact Account of all the Eſtates real and perſonal, of all the Freeholders, Inhabitants, and Reſidents within the ſeveral Wards of the ſaid City and County, for which they, at the Time of iſſuing ſuch Warrants, ſhall be Aſſeſſor or Aſſeſſors, and true, equal and impartial Aſſeſſments to make, and the ſame, at a Day in the ſaid Warrants to be prefixed, by the Mayor, or Recorder and Aldermen, or the major Part of them then met, to exhibit; and when the ſaid Aſſeſſments are by the ſaid Aſſeſſors completed, and a full Account of the ſame fully caſt up, according to the Pound Value of the ſaid Eſtates, ſo that the Quota, with the Allowance for the City and County of *New-York*, be apparent and made known; then the ſaid Mayor, Recorder, and Aldermen, or the major Part of them, ſhall iſſue their Warrants to the ſeveral and reſpective Collectors within the ſaid City and County, to collect the Quota with the Allowance by this Act directed, and that the ſame be paid unto the Treaſurer of this Colony, on or before the firſt Tueſday in *November*, yearly, and every Year, during the ſaid Term of Nine Years.

In what Manner the Aſſeſſors of the City of *New-York*, are to proceed in laying ſaid Tax.

IV. AND that Aſſeſſments may be truly, equally and impartially made and done; **Be it Enacted** *by the Authority aforeſaid*, That every Aſſeſſor that ſhall be choſen and elected within the City and County of *New-York*, during the Term aforeſaid, ſhall, before he enters upon the Performance of the Duty and Service required of him by this Act, take an Oath upon the Holy Evangeliſts of Almighty God, in the Words following, *to wit*:

Aſſeſſors Oath.

I A. B. *do ſwear, that I will, well and truly, equally and impartially, and in due Proportion, according to the beſt of my Skill, Knowledge, and Underſtanding, aſſeſs, and rate all the Freeholders, Inhabitants, and Reſidents of the Ward of which I am choſen Aſſeſſor*: So help me God.

Which Oath the ſaid Mayor, Recorder, and Aldermen, or the major Part of them ſo met, are hereby impowered, required, and directed to adminiſter.

V. AND for the effectual aſſeſſing, collecting, and paying the reſpective Quotas for the City and County of *Albany*, and all the other Counties in this Colony, together with the before-mentioned Allowances to the Collectors and County Treaſurers; **Be it Enacted** *by the Authority aforeſaid*, That the Supervizors of the ſaid City and County, and all the other reſpective Counties

The Manner in which the other Counties are to be taxed.

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in this Colony, or the major Part of them reſpectively, ſhall meet on the firſt Tueſday in *June*, every Year during the ſaid Term of Nine Years, where the Majority of the Supervizors then met, ſhall cauſe the reſpective Quotas and Allowances aforeſaid of each County, to be raiſed, aſſeſſed, levied and collected in the ſame Manner as the other neceſſary and contingent Charges thereof are: And the reſpective Collectors are hereby required and enjoined to pay the reſpective Quotas to be by them collected, unto the reſpective County Treaſurers, on or before the firſt Tueſday in *October* yearly, and every Year during the ſaid Term. And each of the ſaid County Treaſurers are hereby enjoined and required to pay the reſpective Quotas of their Counties, to the Treaſurer of this Colony, on or before the firſt Tueſday in *November* then next following, during the ſaid Term.

VI. And be it Enacted *by the Authority aforeſaid*, That in Caſe any of the Collectors ſhall neglect or delay to make their reſpective Payments to the reſpective County Treaſurers, for the Space of three Months next after the Times appointed by this Act, the ſaid County Treaſurers ſhall be, and hereby are enabled, directed and required to commence Actions in their own Names reſpectively, for the ſaid Sum or Sums, or ſuch Part thereof as ſhall be then unpaid in the County Court where ſuch Default may happen, and proſecute the ſame to Effect. And in Caſe any of the reſpective County Treaſurers, ſhall neglect their reſpective Duties herein, all ſuch Sum or Sums of Money ſhall be deemed, taken and eſteemed Aſſets in their Hands reſpectively, and they ſhall be charged therewith, as having received the ſame by the Treaſurer of this Colony, who ſhall be, and hereby is enabled, directed and required, in his own Name, to commence Actions for the ſame in the Supreme Court of this Colony, within one Month after ſuch Default made by any of the County Treaſurers reſpectively, and proſecute the ſame to Effect. And in caſe the Treaſurer of this Colony ſhall neglect his Duty herein, all ſuch Sum and Sums of Money ſo being unpaid, ſhall be deemed, taken and eſteemed Aſſets in his Hands, and he ſhall be chargeable therewith, as if he had actually received the ſame; and in caſe any of the Collectors of the City and County of *New-York*, ſhall neglect or delay making their Payments of the aforeſaid Tax, for one Month after the Times directed by this Act, the ſaid Treaſurer ſhall be, and hereby is enabled, directed and required, in his own Name to commence Actions againſt ſuch Defaulter or Defaulters, and proſecute the ſame to Effect: And in Default of ſuch Proſecution, the Money ſo unpaid ſhall be deemed, taken and eſteemed Aſſets in his Hands, as if he had actually received the ſame; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Collectors neglecting to make Payment, County Treaſurers enabled to ſue, and for neglect of Duty, the Money to be deemed Aſſets in their Hands.

VII. And be it Enacted *by the Authority aforeſaid*, That ſuch Mayor, Recorder, Aldermen, Supervizors, Aſſeſſors, Collectors, or County Treaſurers reſpectively, within this Colony, as ſhall deny, refuſe, neglect, or delay to do, perform, and execute all or any of the Powers, Duties, and Authorities by this Act required of him or them to be done, and ſhall thereof be lawfully convicted in any of his Majeſty's Courts of Record, he or they ſhall ſuffer ſuch Pains by Fine or Impriſonment, as by the Diſcretion of ſuch Court or Courts ſhall be adjudged.

Penalty on Officers for neglect of Duty.

VIII. And be it Enacted *by the Authority aforeſaid*, That the Treaſurer of this Colony ſhall, out of the Monies to be raiſed by Virtue of this Act, pay unto *Oliver De Lancey*, *Beverly Robinſon*, and *John Cruger*, Eſqrs; whom his Honour the Lieutenant Governor hath been pleaſed to appoint Commiſſaries and Paymaſters, to the Forces of this Colony, the Sum of *Forty-four thouſand*

How Part of ſaid Money is to be diſpoſed and applied.

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thouſand pounds, to be by them applyed in the Payment of *Two thouſand ſix hundred and eighty* effective Men, Officers included, who are to be employed with the Forces of the neighbouring Colonies, and a Body of His Majeſty's regular Troops, to invade the *French* Poſſeſſions in *Canada*, after the following Rates, *to wit*: One Colonel in Chief, to ſuperintend and command all the Forces of this Colony, the Sum of *Twenty ſhillings per Diem*. To two Colonels Commandants, *Sixteen ſhillings per Diem* each. To two Lieutenant Colonels, *Fourteen ſhillings per Diem* each. To two Majors, *Twelve ſhillings per Diem* each. To two Adjutants, being Lieutenants, *Ten ſhillings per Diem* each. To twenty ſeven Captains, *Ten ſhillings per Diem* each. To fifty-one Lieutenants, *Seven Shillings per Diem* each. To two Quartermaſters *Three Shillings per Diem* each. To One Hundred and Eight Serjeants, *One Shilling and Eight pence per Diem* each. To twenty-ſeven Drummers, *One Shilling and ſix-pence per Diem* each. To eighty one Corporals, *One Shilling and ſix-pence per Diem* each; and unto Two thouſand three hundred and ſeventy four private Men, *One Shilling and three-pence per Diem* each: Deduction to be made for any Deficiency in that Number by Death or otherwiſe. Which Forces they are hereby directed to pay according to the Number that ſhall be in actual Service, and not otherwiſe, which ſhall be aſcertained by the Muſter-Rolls of the reſpective Companies, monthly delivered to the ſaid Paymaſters, upon the Oath of the ſeveral Captains of each Company, or the Oath of the commanding Officer thereof, at the Time of ſuch Muſter. Which Oath the ſaid Paymaſters, or either of them, or ſuch other Perſon as the Governor or Commander in Chief ſhall appoint, are hereby impowered and required to adminiſter, in the Words following, *viz.*

Rates of Pay to Officers and Soldiers.

I A. B. *do ſwear, that the Muſter-Roll here produced by me, is juſt and true, and contains no more, or other Perſons Names, than ſuch who are really and truly inliſted in my Company, and are now actually and really in the Service, on the preſent Expedition againſt the* French *Settlements in Canada.* So help me God.

Oath to prove the Muſter-Rolls.

AND the ſaid Pay-Maſters are hereby further required and directed, to pay to one Chaplain attending the aboveſaid Forces, *Twelve Shillings per Diem*; and to three Surgeons, providing each two able Aſſiſtants, to attend the ſaid Forces, the Sum of *Twenty-four Shillings per Diem* each; and alſo to provide them with proper Cheſts of Medicines, to the Value of *One Hundred and twenty five Pounds* each.

Pay to Surgeons, and Allowance for Medicines.

IX. **Be it Enacted** *by the Authority aforeſaid*, That the Treaſurer ſhall, out of the Monies aforeſaid, pay unto each of the ſaid Captains, or other Officers properly authorized to raiſe the Forces, the Sum of *Twenty Shillings*, for each able bodied Man whom he or they reſpectively ſhall engage to inliſt voluntarily into the ſaid Service. And to each of the ſaid Captains, as and for an Encouragement to the Men who ſhall inliſt under him or them reſpectively, the Sum of *Fifteen Pounds*, to be paid by him or them reſpectively, to each and every able bodied Man who ſhall voluntarily inliſt under him or them, on the aforeſaid Service: Which ſaid reſpective Sums ſhall be paid by the Treaſurer, on Warrants iſſued by the Governor or Commander in Chief for the Time being, in Council.

Officers inliſting allowed 20*s.* for each Volunteer.

And 15*l.* Bounty to be paid to the Captain for each Volunteer.

X. **And be it Enacted** *by the Authority aforeſaid*, That the Treaſurer of this Colony ſhall, out of the Monies to be raiſed by Virtue of this Act, pay unto the ſaid Commiſſaries, the Sum of *Fifteen thouſand Pounds*, to be by them employed in purchaſing Cloathing, Blankets, and other Neceſſaries, for the Uſe of the Forces to be raiſed by this Colony, on the aforeſaid Expedition.

Commiſſaries to provide Cloathing, Blankets, & neceſſaries for the Forces.

Of

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Of the due Diſpoſition of all which aforeſaid Sums of Money, they the ſaid Paymaſters, ſhall render juſt and true Accounts on Oath, to the Governor or Commander in Chief for the Time being, the Council, or the General Aſſembly, when by them, or any of them thereunto required.

The Commiſſaries Allowance.

XI. AND to the End the aforeſaid Commiſſaries may be encouraged to do and perform the ſeveral and reſpective Services required to be done and performed by them reſpectively; **Be it Enacted** *by the Authority aforeſaid*, That the ſaid Commiſſaries ſhall be allowed to retain in their Hands, the Sum of *Two Pounds* on every *Hundred Pounds* they ſhall employ by Virtue of this Act, and in that Proportion for a greater or leſſer Sum, as a Reward for their Care and Trouble in the ſeveral and reſpective Services hereby required to be done and performed by them.

Recognizances to be enter'd into before they receive any of ſaid Money.

XII. **And be it Enacted** *by the Authority aforeſaid*, That the ſaid Commiſſaries, before they receive any Part of the Monies hereby directed to be paid unto them, ſhall enter into Recognizances to our Sovereign Lord the King, his Heirs and Succeſſors, before one of the Judges of the Supreme Court of this Colony, in the Sum of *Fifty nine thouſand Pounds*, with two ſufficient Sureties, each in half that Sum: CONDITIONED, That they will, well and truly employ and apply the Monies to be received by them as aforeſaid, to and for the ſeveral and reſpective Uſes and Purpoſes directed by this Act, and well and truly to obſerve, do and perform all the Directions hereby required to be obſerved, done and performed by them, according to the true Intent and Meaning of this Act. Which Recognizances are to be filed and recorded in the Supreme Court.

Which Recognizances to be put in Suit on Failure of Duty.

XIII. **And be it Enacted** *by the Authority aforeſaid*, That if any of the aforenamed Commiſſaries, ſhall fail of employing and applying the Money ſo to be received by them, in Manner, and for the reſpective Uſes directed by this Act, or omit to obſerve, do, and perform what is hereby required to be obſerved, done and performed by them; in ſuch Caſe or Caſes the ſaid Recognizances ſhall be proceeded upon in due Form of Law, againſt ſuch Offender or Offenders, or his or their Sureties, in the Supreme Court of this Colony, wherein no Eſſoin, Protection, Wager of Law, or more than one Imparlance ſhall be allowed; and the Money to be recovered in Conſequence thereof, ſhall be paid into the Treaſury of this Colony, and be applied to and for ſuch Uſes as ſhall be hereafter directed by Act or Acts to be paſſed for that Purpoſe.

If either of the Commiſſaries die, or refuſe to act, others are to be appointed.

XIV. **And be it Enacted**, That if either of the ſaid Commiſſaries ſhall happen to die, remove out of this Colony, or refuſe to act, according to the ſeveral Powers and Authorities hereby directed and required, it ſhall and may be lawful, to and for the Governor, or Commander in Chief for the Time being, by and with the Advice and Conſent of his Majeſty's Council, to nominate and appoint ſome other fit Perſon or Perſons in the Place and Stead of him or them ſo dying, removing, or refuſing to act as aforeſaid: Any Thing herein contained to the contrary notwithſtanding. **Provided**, That the Perſon or Perſons who ſhall be appointed, ſhall be obliged to enter into the like Recognizances, with the like Sureties, as herein is directed to be done by the ſaid Commiſſaries, before he or they be intituled to receive any Part of the Money herein mentioned; and in all Reſpects, be as ſubject to obſerve, do and perform the ſeveral Directions of this Act, as if he or they had been named or appointed in it.

Proviſo.

XV. And

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XV. **And be it further Enacted** *by the Authority aforesaid*, That the aforesaid several Sums of Money directed to be paid to the before mentioned Commissaries, shall be paid by the Treasurer of this Colony, at such Time, and in such Proportions as shall be thought necessary and expedient by his Honour the Lieutenant Governor, or Commander in Chief for the Time being, by and with the Advice and Consent of his Majesty's Council of this Colony, for performing the several and respective Services directed by this Act.

Time when, and Proportion in which the Treasurer is to pay the Money out.

XVI. **And be it further Enacted** *by the Authority aforesaid*, That the Treasurer shall, out of the aforesaid Fund, pay the following Sums of Money, *viz.* To the Colonel in Chief of the Forces of this Colony, the Sum of *One Hundred Pounds*. To each of the Two Colonels Commandants of the two Battalions of this Colony, the Sum of *Seventy Pounds*, to furnish their respective Tables. And to each of the two Lieutenant Colonels, the Sum of *Fifty Pounds:* And to each of the Two Majors, the Sum of *Forty Pounds*, for their respective Tables and Camp Necessaries.

Allowance to the Field-officers over and above their Pay.

XVII. **And be it further Enacted** *by the Authority aforesaid*, That the Treasurer shall pay unto *William Weyman*, for printing the Bills of Credit directed to be made current by this Act, the Sum of *Forty Pounds*.

XVIII. AND as it is impracticable to have the aforesaid Sums of Money collected as soon as the present Exigencies require; **Be it Enacted** *by the Authority aforesaid*, That for making immediate Payment for the Services aforesaid, Bills of Credit to the Value of *One Hundred Thousand Pounds*, be forthwith printed, made, and issued, upon the Credit of the Money to be raised and levied by Virtue of this Act, and lodged in the Treasury for that Purpose; *that is to say*; Five Thousand Bills of *Ten Pounds* each; Six Thousand Bills of *Five Pounds* each; and Ten Thousand Bills of *Two Pounds* each. And upon every and each of which Bills, shall be impressed on the Right Side thereof, the Arms of the City of *New-York*, and under the Arms, in different Characters, these Words; *'Tis Death to Counterfeit this Bill*. Which Bills shall be in the Form following, *that is to say*;

100,000 l. in Bills of credit to be printed, to answer the immediate Payments.

By a Law of the Colony of New-York, *this Bill shall pass current for Pounds*. New-York, *the Second Day of* April, *One Thousand Seven Hundred and Fifty-Nine*.

Form of said Bills

Which said Bills shall be signed by *Nathaniel Marston*, *John Morin Scott*, *Lawrence Reade*, and *Andrew Barclay*, Esquires, or any three of them, and numbered by one of them: And in Case of the Death of any of the said Persons, the said Bills shall be signed by the Survivors.

Signers of said Bills.

XIX. **And be it Enacted** *by the Authority aforesaid*, That *Abraham De Peyster*, Esquire, the present Treasurer of this Colony, in whose Hands the Stamps of the Arms of the City of *New-York*, and the other Plates are deposited, shall, in the Presence of the Signers aforesaid, or the major Part of them, deliver unto *William Weyman*, the said Stamps and Plates, who is hereby appointed to print the said Bills, and on them to impress the said Arms and Plates; which when done, the said *William Weyman*, shall redeliver to the said Treasurer, the said Stamps and Plates, in the Presence of the Signers aforesaid, or the major Part of them; and the Receipt of the said Treasurer, shall be to the said Printer, a sufficient Discharge for the same. And the said Printer is hereby required and directed, to deliver to the Signers hereby appointed to sign the said Bills, every Bill of Credit by him printed; and shall, upon his Delivery of the said Bills, take an Oath in the Words following, *viz.*

The Stamps to be delivered to the Printer.

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The Printer's Oath.

I A. B. *do declare, that from the Time the Letters were ſet and fit to be put into the Preſs for printing the Bills of Credit now by me delivered to you, until the Bills were printed, and the Letters afterwards diſtributed into the Boxes, I went at no Time out of the Room in which the ſaid Letters were, without locking them up, ſo that they could not be come at without Violence, a falſe Key, or other Art then unknown to me: And therefore, to the beſt of my Knowledge, no Copies were printed off but in my Preſence; and that all the Blotters and other Papers whatſoever impreſſed by the ſaid Letters, whilſt ſet for printing the ſaid Bills, to the beſt of my Knowledge, are here delivered unto you, together with the Stamps: And in all Things relating to this Affair, I have well and truly demeaned myſelf, according to the true Intent and Meaning of the Law in that Caſe made, to the beſt of my Knowledge and Underſtanding.* So help me God.

Which Oath, all and every of the Signers are hereby impowered, directed and required to adminiſter.

The Signers Oath.

XX. **And be it Enacted** *by the Authority aforeſaid,* That the Perſons herein appointed to ſign the ſaid Bills of Credit, ſhall take an Oath before a Magiſtrate of the City of *New-York*, each of them, *Well and truly to perform what by this Act they are enjoined as their Duty, and will knowingly ſign no more Bills of Credit, than as by this Act is directed.* And if it ſhall happen that any ſupernumerary Bills ſhall be left after the ſaid Number ſhall be delivered to the ſaid Treaſurer in Manner aforeſaid, all ſuch ſupernumerary Bills, ſhall be burnt and deſtroyed by the ſaid Signers, or the major Part of them, or by the Majority of the Survivors of them, in the Preſence of the Treaſurer of this Colony.

The currency of theſe Bills.

XXI. **And be it Enacted** *by the Authority aforeſaid,* That the Bills of Credit enacted and appointed by this Act to be current, ſhall be received by the Treaſurer of this Colony, in all public Payments, and for any Fund at any Time in the Treaſury, and by any Perſon within this Colony, in all Caſes whatſoever, during the Time they are Enacted to continue, and be as effectually current, as any other Bills of Credit made current in this Colony, by any Act of the Governor, Council, and General Aſſembly.

Felony without Benefit of clergy to counterfeit, &c. the ſaid Bills.

XXII. **And be it Enacted** *by the Authority aforeſaid,* That if any Perſon or Perſons whatſoever, ſhall counterfeit any of the Bills of Credit made current by this Act, or ſhall alter any of the Bills made current as aforeſaid, ſo that they ſhall appear to be of greater Value than by this Act the ſame Bill or Bills ſo altered were enacted, ſigned, or numbered to paſs current for, or ſhall knowingly paſs, or give in Payment any of the Bills aforeſaid, ſo counterfeited or altered, every Perſon guilty of counterfeiting or altering any of the ſaid Bills as aforeſaid, or of knowingly paſſing, or giving in Payment, any ſuch counterfeit or altered Bill, ſhall be guilty of Felony; and being thereof convicted, ſhall ſuffer the Pains of Death, without Benefit of Clergy. And though ſuch counterfeiting, altering, or knowingly paſſing counterfeit or altered Bills, ſhall be done out of this Colony, yet any Grand-Jury within the City and County of *New-York*, is hereby impowered to preſent the ſame, and to ſet forth in the Indictment, the Place where, by their Evidence, it appeared that the Fact was committed; which Indictment is hereby declared good, notwithſtanding that the Place alledged be out of this Colony: And the Petty-Juries on the Tryal of all ſuch Iſſues, ſhall be returned from the Body of the City and County of *New-York*; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Limitation of the currency of the Bills.

XXIII. **And be it Enacted** *by the Authority aforeſaid,* That the Bills of Credit made, ſtruck, and iſſued by Virtue of this Act, ſhall be, and remain current, until the firſt Tueſday in *November*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty Eight. XXIV.

XXIV. **And be it further Enacted** *by the Authority aforeſaid*, That none of the Bills of Credit made current by this Act, when they become by any Means ſhattered, torn or defaced, ſhall have any Pieces of Paper, Parchment or Cloth, pinned, ſewed, or paſted on them: And in caſe any of them be found with Paper, Parchment, or Cloth, pinned, ſewed, or paſted thereon, the Currency thereof ſhall immediately ceaſe, and they ſhall not be thereafter accepted by any Perſon but the Treaſurer, who ſhall receive the ſame either in Payment, or Exchange for other Bills; any Thing in this Act to the contrary notwithſtanding.

Treaſurer to exchange torn, or defaced Bills.

XXV. **And be it Enacted** *by the Authority aforeſaid*, That as the Money to be raiſed, levied and collected by Virtue of this Act, ſhall be paid into the Treaſury, the Treaſurer of this Colony for the Time being, ſhall be, and he is hereby directed and required, to uſe his utmoſt Endeavours to exchange the ſame, for Bills of Credit made current by this Act; which Bills ſo procured, ſhall be kept in the Treaſury, ready to be cancelled in Manner as is directed in and by an Act, entitled, *An* Act *for the more effectual cancelling the Bills of Credit of this Colony*; paſſed in the Twenty-firſt Year of his Majeſty's Reign.

The Treaſurer to uſe all Endeavours to exchange the Bills collected by Virtue of this Act, for others made current by the ſame.

XXVI. **And be it further Enacted** *by the Authority aforeſaid*, That when the Treaſurer ſhall have paid all the ſeveral Sums directed to be paid by this Act, all the Reſidue of the Money to be raiſed by this Act, ſhall remain in the Treaſury, to be diſpoſed of by Act or Acts hereafter to be paſſed for that Purpoſe.

Reſidue of the Money to remain in the Treaſury.

XXVII. **And be it further Enacted** *by the Authority aforeſaid*, That the Treaſurer ſhall keep exact Books of all his Receipts and Payments, by Virtue of this Act, and a true and juſt Account thereof ſhall render on Oath, to the Governor, or Commander in Chief for the Time being, the Council, or General Aſſembly, when by them or any of them thereunto required.

Exact Books to be kept of the Payment of ſaid Money.

XXVIII. AND to the End there may be no Deficiency in the Forces to be furniſhed by this Colony on the aforeſaid Service; **Be it Enacted** *by the Authority aforeſaid*, That in caſe a ſufficient Number of Volunteers do not offer by the Fourth Day of *April* next, to complete the full Number of Two Thouſand Five Hundred and Eighty effective, including Officers, it ſhall and may be lawful for his Honour the Lieutenant Governor, or Commander in Chief for the Time being, and he is hereby enabled and impowered, to ſupply the Deficiency by Detachments to be made from the Militia of the ſeveral and reſpective Cities and Counties of this Colony, where ſuch Deficiency may happen. **Always Provided**, That no more Men ſhall be detached from the ſaid ſeveral Cities and Counties, than according to the following Proportions, *to wit*,

Number wanting to complete the Forces on the 4th of *April*, to be detached from the Militia.

From the City and County of *New-York*, Three Hundred and Twelve effective Men.

From the City and County of *Albany*, Four Hundred and Twenty-four effective Men.

Quota of Men to be furniſhed by the ſeveral counties.

From *Kings* County, Sixty-eight effective Men.
From *Queens* County, Three Hundred effective Men.
From *Suffolk* County, Two Hundred and Eighty-nine effective Men.
From *Richmond* County, Fifty-one effective Men.
From *Weſtcheſter* County, Three Hundred and Eighty-nine effective Men.
From *Dutcheſs* County, Three Hundred and Eighty-nine effective Men.
From *Ulſter* County, Two Hundred and Twenty-eight effective Men.
And from *Orange* County, One Hundred and Thirty effective Men.

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Persons exempted from being detached.

XXIX. And be it further Enacted *by the Authority aforesaid*, That no Person or Persons whatsoever, is or are by this Act, exempted from being detached for the Service required by this Act, except the several Branches of the Legislature, and their necessary Officers; his Majesty's Attorney General, the Colony Treasurer, High Sheriffs, and Clerks of Courts; Magistrates, Ministers of the Gospel, Persons under Sixteen or above Sixty Years of Age, and Persons who have actually served in their own proper Persons, in the Provincial Forces of this Colony, in the Campaign of the Year Seventeen Hundred and Fifty-seven.

Method of making the Detachments.

XXX. And be it further Enacted *by the Authority aforesaid*, That the several and respective Colonels, or next commanding Officers of the several and respective Regiments of Militia within this Colony, shall forthwith, after receiving the Orders of his Honour the Lieutenant Governor, or Commander in Chief for the Time being, for detaching the Number of Men wanting, according to the aforesaid Proportions, send for all the Captains, or next commanding Officers of all the several Companies, as well regimented as unregimented, Troops of Horse included, of the said several and respective Cities and Counties, to attend them at such Time and Place as the said Colonels, or next commanding Officers, shall appoint, with the several and respective Lists on Oath, of their Companies, and of every other Person in their District or Beat, not exempted by this Act. Which Oath, the Colonel, or next commanding Officer in his respective County, shall be, and is hereby impowered to administer in the following Words, *I A. B. do swear, that the List I now deliver, contains the Names of all the Men from Sixteen Years of Age to Sixty* (not exempted by an Act, entitled, *An* Act *for raising a Supply of* One Hundred Thousand Pounds, *for levying, paying, and cloathing, Two thousand Six hundred and eighty effective Men, Officers included, for forming with the Forces of the neighbouring Colonies, an Army of Twenty thousand Men, to invade, with a Body of His Majesty's regular Troops, the* French *Possessions in* Canada; *for emitting Bills of Credit for the like Sum; and for sinking and cancelling the said Bills in short Periods) in my Company or Beat, according to the best of my Knowledge.* From which Lists, the several and respective Colonels, or next commanding Officers, together with the other Field-Officers, shall proportion the Number of Men to be furnished by each Company respectively, according to the Numbers contained in the said Lists. And the said several and respective Captains, or next commanding Officers for the respective Cities and Counties, with the Assistance of a Field-Officer of each respective City and County, shall, within six Days thereafter, take the proper Measures for detaching the Number allotted to each Company respectively, by such Time as shall be appointed by his Honour the Lieutenant Governor, or Commander in Chief for the Time being, for that Purpose, each able bodied Man who shall, before the said Detachment be made, enter voluntarily into the said Service out of any of the said Companies, to be allowed Part of the Quota of such Company. And if any Dispute shall arise among any of the said Companies, concerning the Number of Volunteers entered into the said Service, out of the said Companies, the same shall be examined into, and finally settled by the respective Colonels, or other Field-Officers of the City or County where the Dispute may arise.

Persons warned and not appearing to forfeit £. 20.

XXXI. And be it further Enacted *by the Authority aforesaid*, That when any of the said Captains, or next commanding Officers, shall order their Companies to meet, in order to raise the Quota of Men allotted to them respectively, every Person duly warned to appear, either personally, or by Notice left at his Place of Residence, not only those belonging to the said respective Companies, but such others as reside within the said Beat or District, not exempted

exempted by this Act, who shall not attend at such Time and Place as shall be appointed by the said Captain, or next commanding Officer respectively, shall forfeit and pay the Sum of *Twenty Pounds*; or if it shall appear by a proper Certificate, that the Offender or Offenders is, or are one of the People called *Quakers*, they shall, on Account of the tender Regard the Legislature of this Colony has to scrupulous Consciences, pay the Sum of *Eight Pounds*, and no more.

Free Negroes, &c. liable to be detached.

XXXII. **And be it further Enacted** *by the Authority aforesaid*, That all Free Negroes, and Mustee and Mulatoe Freemen within this Colony, shall be, and hereby are made liable to be detached on the aforesaid Service, by the Captain or Captains, or next commanding Officer or Officers within whose respective Beats or Districts they do or may reside, notwithstanding any Indenture or Indentures of Servitude they or any of them may be under.

Deserters in the two last Campaigns to be apprehended and sent on the present.

XXXIII. AND whereas some Persons in several Parts of this Colony, have deserted from the Service in the former Campaigns; **Be it further Enacted** *by the Authority aforesaid*, That it shall and may be lawful for the several Militia Captains, or next commanding Officers, out of, or by whose Company they were inlisted or detached, to take and seize all such Deserter or Deserters, wherever they can be found within this Colony, and send them on the aforesaid Service, as Part of the Quota to be furnished by their Respective Companies.

Persons inlisted, to be allowed as Part of the Quota of the County they reside in, tho inlisted for any other County.

XXXIV. **And be it further Enacted** *by the Authority aforesaid*, That if any Person or Persons, being Residents in any County of this Colony, shall, after the Publication of this Act, be inlisted in or for any other County than that whereof they are Residents, such Person or Persons so inlisted, shall be allowed Part of the Quota of that County whereof they are Residents: And if any Dispute shall arise between two Counties upon that Head, such Dispute shall be examined into, and finally settled by such Person or Persons as his Honour the Lieutenant Governor, or Commander in Chief for the Time being shall appoint.

Persons found out of their proper County without a sufficient Reason, may be detached where found.

XXXV. **And be it further Enacted** *by the Authority aforesaid*, That if any Person or Persons within this Colony, shall, after the Orders for making the said Detachments be issued, and before the said Detachments be completed, be found in any Part of this Colony to which they do not belong, and shall not be able to give a satisfactory Account of himself or themselves, and the Business they are upon, to the Captain of the District or Beat within whose Limits he or they shall be found, it shall and may be lawful for such Captain, or next commanding Officer, to detach such Person or Persons on the aforesaid Service, as Part of the Number he is to furnish out of his Company.

Persons detached and refusing the Service, to be deemed as Deserters.

But may send a Man in their Stead

XXXVI. **And be it further Enacted** *by the Authority aforesaid*, That if any Person or Persons so detached, shall refuse the said Service, he or they so refusing, shall be deemed Deserters, and shall be proceeded against, and punished accordingly. **Always Provided**, That it shall and may be lawful for the Person so detached as aforesaid, to procure an able bodied Man to go in his Room and Stead; and on his producing such to the Officer or Officers appointed to command the Company in which the said detached Person was to go, or to the Person or Persons appointed to muster the said Men, he the said detached Person shall be discharged from that Service.

Penalty for harbouring Persons detached or inlisted.

XXXVII. **And be it further Enacted** *by the Authority aforesaid*, That in Case any Person or Persons whatsoever, shall harbour, secrete, or conceal any Person detached or inlisted as aforesaid, and absenting himself from the said Service, he, she, or they so offending, shall forfeit the Sum of *Twenty Pounds*.

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Or for obſtructing the Detachments or diſcouraging Perſons from inliſting.

XXXVIII. **And be it further Enacted** *by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever, ſhall, directly or indirectly, obſtruct the ſaid Detachments being made, or ſhall diſcourage or hinder any Perſon from inliſting voluntarily into the ſaid Service; or ſhall, under any Pretence whatſoever, otherwiſe than by due Proceſs of Law, detain any ſuch Perſon who ſhall hereafter inliſt voluntarily, or be detached into the ſaid Service, though the ſaid Perſon be Servant or Apprentice, he, ſhe, or they ſo offending, ſhall reſpectively forfeit the Sum of *Fifty Pounds*.

Servants and Apprentices may be detached, or inliſted.

XXXIX. **And be it further Enacted** *by the Authority aforeſaid*, That if any Captain, or next commanding Officer of a Company of Militia, or any Perſon properly authorized to inliſt Volunteers on the aforeſaid Service, or receive the Perſons detached, ſhall be proſecuted by any Maſter or Miſtreſs of a Servant or Apprentice, for detaching or inliſting his, her, or their Servant or Apprentice in the aforeſaid Service, or for retaining them in the ſaid Service, it ſhall and may be lawful for ſuch Officer ſo detaching, or ſuch Perſon ſo inliſting, or retaining ſuch Servant or Apprentice, to plead the general Iſſue, and give this Act in Evidence; and the Plaintiff or Plaintiffs in ſuch Suit or Suits, ſhall not recover in any ſuch Suits, but pay all Coſts.

And the Officer if ſued may plead the general iſſue.

Penalties on the Officers of the Militia, for not putting this Act in Execution.

XL. **And be it further Enacted** *by the Authority aforeſaid*, That if any Colonel or Field Officer ſhall neglect or omit to do what is enjoined him or them by this Act, they ſhall reſpectively forfeit the Sum of *Two hundred Pounds*. And any Captain, or ſubaltern Officer, who ſhall neglect to do what is enjoined him by this Act, ſhall forfeit the Sum of *One hundred Pounds*. And every Non-commiſſioned Officer, who ſhall omit or neglect the Service required of him by his Captain, or next commanding Officer, in executing this Act, ſhall forfeit the Sum of *Fifty Pounds*. All which Forfeitures ſhall be immediately levied on the Goods and Chattels of the ſaid Defaulters reſpectively, by Warrant or Warrants iſſued by one of the Judges of the Inferior Court of Common Pleas of the reſpective County or Counties where the ſaid Forfeiture ſhall ariſe, or by one of the Judges of the Supreme Court in the City of *New-York*, on due Proof made thereof before him: Which Warrants ſhall be directed to, and executed by the Sheriff or Sheriffs of the ſeveral Cities and Counties reſpectively. The ſaid Forfeiture, when levied, ſhall be paid into the Hands of the Supervizors of the ſaid reſpective Counties, or the City Treaſurer of the City of *New-York*, and be by them applied for and towards the Payment of the neceſſary Charges of each reſpective City and County; and all other Forfeitures laid by this Act, ſhall immediately be levied on the Goods and Chattels of the Defaulters reſpectively, or on the Goods and Chattels of their Maſters or Miſtreſſes, by Warrant or Warrants under the Hands and Seals of the Captain or next commanding Officer of each reſpective Company, to be by him applied, either for the encouraging of Volunteers, or towards the Reimburſement of thoſe in his Company who have contributed thereto. And where no Goods or Chattels are to be found, the aforeſaid Defaulter or Defaulters reſpectively ſhall be committed to Gaol, there to remain without Bail or Main-Prize, for the Space of Six Months, or until the ſaid Forfeitures, with all Coſts and Charges attending the ſame, ſhall be fully paid.

Forfeitures how to be recovered and applied.

Perſons inliſted or detached not liable to be taken in Proceſs for a Debt under 50*l*.

XLI. And that none of His Majeſty's Subjects, who are inclined to go upon the Service aforeſaid, may be impeded or debarred from entering voluntarily therein, or, being detached, prevented from going thereon. **Be it Enacted** *by the Authority aforeſaid*, That no Perſon who ſhall inliſt or enter himſelf a Volunteer in the ſaid Service, or being detached thereon, ſhall, during the ſame, be liable to be taken therefrom, by any Proceſs or Execution whatſoever,

ever, other than for ſome criminal Matter, unleſs for a Debt, or other juſt Cauſe of Action; and unleſs before the taking out of ſuch Proceſs or Execution, not being for a criminal Matter, the Plaintiff or Plaintiffs therein, or ſome other Perſon or Perſons, on his or their Behalf, ſhall make Affidavit before one or more Judge or Judges of the Court of Record, or other Court out of which ſuch Proceſs or Execution ſhall iſſue, or before ſome Perſon authorized to take Affidavits in ſuch Courts, that to his or their Knowledge the original Sum juſtly due and owing to the Plaintiff or Plaintiffs, from the Defendant or Defendants, in the Action or Cauſe of Action on which ſuch Proceſs ſhall iſſue, or the original Debt for which ſuch Execution ſhall be iſſued out, amounts to the Value of *Fifty Pounds*, current Money of the Colony of *New-York*, over and above all Coſts of Suit in the ſame Action, or in any other Action on which the ſame has been, or ſhall be grounded: A Memorandum of which Oath ſhall be marked on the Back of ſuch Proceſs or Writ, for which Memorandum or Oath, no Fee ſhall be taken. And if any Perſon ſhall nevertheleſs be arreſted, contrary to the Intent of this Act, it ſhall and may be lawful, for one or more Judge or Judges of ſuch Court, upon Complaint made thereof by the Party himſelf, or by any of his ſuperior Officers, to examine into the ſame by the Oath of the Parties, or otherwiſe, and by Warrant under his or their Hands and Seals, to diſcharge ſuch Soldier ſo arreſted or detained contrary to the Intent of this Act, without paying any Fee or Fees, upon due Proof made before him or them, that ſuch Soldier ſo arreſted or detained, was duely inliſted for the Service, or detached thereon as aforeſaid, and was arreſted and detained contrary to the Intent of this Act.

Perſons inliſting or detached, and detained in Gaol for a Debt under 50£. to be diſcharged.

XLII. **And be it Enacted** *by the Authority aforeſaid*, That any Perſon or Perſons who are willing to inliſt, and ſhall accordingly inliſt for the Service aforeſaid, or being detached therein, who are now detained in Gaol, upon Execution or any Proceſs in any Civil Action, where the original Cauſe of Action did not amount to the Sum of *Fifty Pounds*, ſhall, upon a Certificate of ſuch his or their Inliſtment or Detachment being produced to any Judge or Judges of the Court from whence ſuch Proceſs iſſued, be diſcharged from Impriſonment, without paying Fees. **Provided nevertheleſs**, That ſuch Diſcharge ſhall not be deemed an Extinguiſhment of any ſuch Debt, but any Plaintiff or Plaintiffs may be at Liberty to proceed to Judgment and Execution againſt the Goods of any ſuch Defendant, and alſo againſt their Perſon or Perſons, after he or they ſhall be diſcharged from the ſaid Service, in the ſame Manner as if ſuch Debtor had not been releaſed from Impriſonment.

Proviſo.

Time limitted to be in the Service.

XLIII. **And be it Enacted** *by the Authority aforeſaid*, That no Perſon or Perſons whatſoever engaged in the ſaid Service aforeſaid, ſhall be detained therein longer than to the firſt Day of *November* next.

Companies detaching or producing Non effective Men, to furniſh able bodied Men in their Stead.

XLIV. AND to the End that no Perſon may be ſent on the aforeſaid Service, but ſuch as are able bodied, and fit for the Duty expected from them; **Be it Enacted** *by the Authority aforeſaid*, That as well thoſe that enter voluntarily, as thoſe that may be detached, ſhall be muſtered, viewed, and examined by ſuch Perſon or Perſons, and at ſuch Time and Place as his Honour the Lieutenant Governor, or Commander in Chief for the Time being ſhall appoint. And in Caſe any of them be found on ſuch Examination, unfit for ſuch Service, the Company or Companies producing ſuch unfit Perſon or Perſons, ſhall be obliged to ſupply their Places with other fit and able bodied Men.

XLV. **And be it further Enacted** *by the Authority aforeſaid*, That in caſe any Perſon or Perſons whatſoever, engaged in the aforeſaid Service, either as Officers

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Officers or Soldiers, ſhall, at any Time during the ſaid Service, deſert therefrom, or ſhall begin, excite, cauſe, or join in any Mutiny or Sedition in the Company to which he doth belong, or in any other Company engaged in the ſaid Service, or ſhall hold Correſpondence with any Rebel or Enemy of his Majeſty, or give them Advice or Intelligence by Letters, Meſſages, Signs or Tokens, or any Manner of Way whatſoever, or ſhall ſtrike, or uſe any Violence againſt his ſuperior Officer, being in the Execution of his Office; or ſhall refuſe to obey any lawful Command of his ſuperior Officer, they ſhall reſpectively ſuffer Death, or ſuch other Puniſhment as ſhall be inflicted by a Court Martial: Which Court Martial ſhall be held, conſtituted and appointed, by Commiſſion from his Honour the Lieutenant Governor, or Commander in Chief for the Time being, under the Great Seal of this Colony.

Clauſe againſt Mutiny and Deſertion.

XLVI. AND whereas it is apprehended that ſeveral able bodied Men have abſconded, and others may before the ſaid Forces be compleated, abſcond and ſecrete themſelves, to prevent their being detached on the aforeſaid Service; **Be it Enacted** *by the Authority aforeſaid*, That the ſeveral and reſpective Militia Captains, or next commanding Officers, ſhall be, and hereby are fully impowered, authorized, required and directed, with ſuch Forces as they ſhall think neceſſary, to make diligent and ſtrict Search for all ſuch abſconded Perſons belonging to their reſpective Companies, or whoſe uſual Reſidence is within their reſpective Diſtricts or Beats; and take, ſeize, and ſecure, all ſuch of the ſaid abſconded Perſons as they can meet with, wherever they can be found, in the ſeveral and reſpective Counties they belong to, and ſend them on the aforeſaid Service, as Part of the Quota to be furniſhed by their reſpective Companies. And in caſe any of the ſaid abſconded Perſons ſhall not be found before the March of the Forces to the General Rendezvous, it ſhall and may be lawful for the ſaid ſeveral and reſpective Captains, or next commanding Officers reſpectively, with ſuch Forces as they ſhall find neceſſary, to take, ſeize, and ſecure all ſuch abſconded Perſons, as ſhall or may afterwards be found, and ſend them on the aforeſaid Service as Recruits, for the Forces furniſhed by this Colony, on the aforeſaid important Service.

Perſons abſconding to be ſearcht for, and if found, to be ſent on the Service as Part of the Quota of the Company to which they belong.

XLVII. **And be it further Enacted** *by the Authority aforeſaid*, That in caſe any Surgeon or Phyſician, or any proper Number of Aſſiſtants for them, being appointed by his Honour the Lieutenant Governor, or Commander in Chief for the Time being, to attend the aforeſaid Forces, ſhall refuſe, neglect, or delay to go upon the ſaid Service, each Perſon ſo refuſing, neglecting or delaying, ſhall forfeit and pay the Sum of *One Hundred Pounds*, for ſuch Refuſal, Neglect, or Delay; the ſaid Forfeitures to be ſued for and recovered by the Treaſurer of this Colony; and when recovered, lodged in the Treaſury, until the ſame ſhall be diſpoſed of by ſome future Act of this Colony.

Penalty for Surgeons and Phyſicians refuſing to go on the Service when appointed.

CHAP. CLXI.

An ACT *for regulating the Pilots, and eſtabliſhing their Pilotage between* Sandy-Hook *and the Port of* New-York, *and other Purpoſes therein mentioned.*

Paſs'd the 7th March 1759.

WHEREAS the ſubjecting the Pilots of the Port of *New-York* to proper Regulations, will tend greatly to the Safety and Conveniency of the Navigation to and from the ſaid Port.

I. Be

32d GEORGE II A. D. 1759.

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same,* That it shall and may be lawful for the Governor, or Commander in Chief of this Colony for the Time being, by and with the Advice and Consent of his Majesty's Council, to appoint one fit and proper Person to be Master, and three or more fit and proper Persons to be Wardens of the said Port of *New-York*, who shall be called by the Name or Stile of, The Master and Wardens of the Port of *New-York*; and in like Manner, to appoint and commissionate a sufficient Number of Persons to be Branch Pilots for the said Port, who shall be, and hereby are impowered to appoint each one Deputy under them. **Provided**, That no Person shall hereafter be commissionated as a Branch Pilot, or appointed a Deputy Pilot, until he shall have been examined before, and obtained a Certificate from the Master and Wardens of the said Port, or any three or more of them, under their Hands and Seals, of his being duly qualified for such Office; and if any Person, not so commissionated or appointed, shall pilot any Ship or Vessel going into or out of the said Port, from or to *Sandy-Hook*, when a Branch or Deputy Pilot offers, such Person shall forfeit and pay the Sum of *Five Pounds*.

The Governor impowered to appoint proper Persons to be Master and Wardens of the Port of New-York: and also to commissionate Branch Pilots,

II. **And be it Enacted**, That the several Branch Pilots of the said Port, shall, each at his own Expence, find and provide one good and proper Sailing Boat fit for the Sea, and one Rowing Boat; and at all Times, between the first Day of *March* and the first Day of *November*, they shall keep at least two of the said Sailing Boats at or near *Sandy-Hook*; one of which shall always, when the Weather permits, be at Sea without the said *Hook*, with a Pilot, ready to go on board any Vessel appearing in the Offing; and shall also at all Times, between the First Day of *November*, and the First Day of *March*, keep at least two Whale-Boats at or near *Sandy-Hook*, for the more easy putting Pilots on board, or taking them off, from any Vessel coming into or going out of Port; and there shall be always attending, or resident at or near the North-east Point of *Sandy-Hook*, at least one Branch and two Deputy Pilots, unless otherwise employed in piloting Vessels.

who are to find their own Boats.

III. AND to enable the said Branch Pilots to defray such necessary Charges, and to encourage them to give a due and regular Attendance; **Be it Enacted**, That from and after the Publication of this Act, all Vessels bound into or out of the Port of *New-York*, through the Channel of *Sandy-Hook*, (Vessels under the Burthen of Fifty Tons, Carpenter's Tonnage, trading Coastwise between *New-York*, and Southwestward as far as *Cape-Fear* inclusive, excepted) shall be subject to receive on board a Pilot; and if a Pilot offers his Service, the Master of every such Vessel shall be liable to pay the Pilotage as shall be established in Pursuance of this Act. **Provided**, That in Case Vessels bound into the Port of *New-York*, if the Pilot does not board the Vessel, or offer his Service without *Sandy-Hook*, he shall be intituled to no more than Half Pilotage; if not before she enters the Channel, between the East and West Bank, then he shall be intituled to no Pilotage at all, unless by Agreement with the Master.

Encouragement for the Pilots to give due and regular Attendance.

IV. **And be it Enacted**, That if any Branch Pilot, or his Deputy, shall neglect or refuse to give all the Aid and Assistance in his Power, to any Ship or Vessel appearing in Distress on the Coast, or in Want of a Pilot, such Branch Pilot, if the Governor, or Commander in Chief, with the Advice and Consent of the Council, shall think fit, shall forfeit his Branch, or be fined at the Discretion of the Master and Wardens aforesaid, or any three or more of them, not exceeding the Sum of *Ten Pounds*: Which said Master and Wardens, or any three or more of them, are hereby impowered to impose such Fine, and

Pilots neglecting or refusing their Assistance to Ships in Distress, to forfeit 10 l.

32d *GEORGE* II A. D. 1759.

alſo to make ſuch prudential Rules and Orders, (to be approved of by the Governor, or Commander in Chief, with the Advice and Conſent of the Council) for the better regulating the ſaid Pilots, as they ſhall judge neceſſary and expedient, and to impoſe and lay any Fine for the Breach of ſuch Rules and Orders, not exceeding the Sum of *Ten Pounds*.

Maſter and Wardens impowered to make Rules and Orders for regulating the ſaid Pilots.

V. **And be it further Enacted** *by the Authority aforeſaid*, That the Rates and Pilotage to be demanded, taken, and received for piloting, or being preſent, offering to pilot, (except as before excepted) every Veſſel from and without *Sandy-Hook* into the Port of *New-York*, and from the ſaid Port down to *Sandy-Hook*, ſo far as the Veſſels may proceed ſafely to Sea, ſhall be ſettled, fixed, and aſcertained by the ſaid Maſter and Wardens ſo appointed, who are hereby impowered to alter and vary the ſaid Rates during the Continuance of this Act, as may be found moſt Expedient and Juſt, in order to have them fixed hereafter by the Legiſlature on a ſolid Foundation. Which Pilotage ſo eſtabliſhed by the Maſter and Wardens aforeſaid, ſhall and may be recovered before the Mayor, Deputy Mayor, Recorder, and Aldermen of the City of *New-York*, or any one of them; who are hereby reſpectively impowered and authorized to hear, try and determine any Diſpute or Controverſy concerning the ſame in a ſummary Way, and to award Execution thereupon, with Coſts of Suit.s

Rates of Pilotage to and from Sandy Hook to New-York.

VI. And whereas this Act is calculated and intended more immediately for the Advantage and Preſervation of Strangers, than Veſſels belonging to this Port, the Maſters of which are, many of them, able and experienced Pilots, and require little or no Aſſiſtance: **Be it Enacted**, That if the Maſter of any Veſſel belonging to, or owned in this Port, ſhall chuſe to bring up, or carry down his own Veſſel, without the Aſſiſtance of the Pilot, he ſhall not be obliged to pay more than one Half of the eſtabliſhed Rates, nor be liable to any extraordinary Allowance that may be charged upon each Veſſel, from the firſt Day of *November*, to the firſt Day of *March*; any Thing in this Act to the Contrary notwithſtanding.

Veſſels belonging to this Port, to pay only One-half the eſtabliſhed Rates.

VII. And to the End the ſaid Maſter and Wardens may be diſintereſted, and impartial Directors, as by this Act is intended; **Be it Enacted**, That neither of them, ſo long as they are employed in this Truſt, ſhall be, directly or indirectly concerned in any Pilot Boat, or with any Perſon whatever commiſſioned as a Branch Pilot.

Maſter and Wardens not to be concerned in any Pilot Boats.

VIII. **Be it alſo Enacted**, That the Branch Pilots of the Port of *New-York* already appointed, ſhall, within one Month after the Publication hereof, and the Branch Pilots hereafter to be appointed, ſhall, before they take upon them the Execution of ſuch Office, reſpectively enter into Recognizances, with two ſufficient Sureties, to be approved of by the Maſter and Wardens aforeſaid, or any three or more of them, in the penal Sum of *Fifty Pounds*, current Money of this Colony: Conditioned, That ſuch Pilot ſhall and will, in all Things, diligently and faithfully perform and execute the Truſt repoſed in him, according to the Directions, true Intent and Meaning of this Act, and according to ſuch Orders and Directions as he ſhall from Time to Time receive from the ſaid Maſter and Wardens of the Port of *New-York*, or any three or more of them: And on Breach of ſuch Recognizance, the ſame ſhall and may be put in Suit, at the Requeſt of any Party complaining, who ſhall be intituled to, and receive ſuch Part of the Penalty, if recovered, as ſhall be awarded and determined by the ſaid Maſter and Wardens, or any three or more of them, who are hereby authorized to take Cognizance of ſuch Matter, and award the Damages accordingly. **Provided always**, That if the Branch Pilot ſo offending, ſhall

Branch Pilots to enter into Recognizances.

Condition.

ſhall pay to the Party aggrieved, ſuch Damages as ſhall be aſſeſſed by the ſaid Maſter and Wardens, or any three or more of them, with the Coſts accrued, the Proceedings upon ſuch Recognizance ſhall be ſtayed or diſcontinued.

Maſter and Wardens appointed Surveyors of all damaged Goods, or Veſſels brought into this Port.

IX. **And be it Enacted**, That the Maſter and Wardens of the Port of *New-York* for the Time being, ſhall be, and they, or any two or more of them, are hereby appointed Surveyors, for the Surveying of all damaged Goods brought into the ſaid Port, in any Ship or Veſſel, and in like Manner with the Aſſiſtance of one or more able Carpenter or Carpenters, to ſurvey all Veſſels that ſhall or may be deemed, or thought unfit to proceed to Sea, and thereupon ſhall give proper Certificates under their Hands and Seals, as the Matter ſhall appear to them; an Entry whereof they ſhall cauſe to be made in a Book to be kept for that Purpoſe: For which Certificate and Entry, their Clerk ſhall be intituled to a Fee of *Eight Shillings*, and no more; and the Maſter and Wardens ſhall be allowed at the Rate of *Twenty Shillings* each, per Day, and in that Proportion for Half, or Quarter of a Day; and no Survey on ſuch Goods or Veſſels, performed or made in any other Manner than is herein directed and preſcribed, ſhall be valid or authentick.

Maſter and Wardens Oath.

X. **And be it further Enacted**, That before the ſaid Maſter or Wardens enter upon the Execution or Diſcharge of the ſaid Office, they ſhall ſeverally take an Oath before one of the Judges of the Supreme Court of this Colony, in the Words following, *that is to ſay*; *I* A. B. *will, well, truly, and impartially, according to the beſt of my Skill and Underſtanding, execute the Powers veſted in me by Virtue of an Act of the Colony of* New-York, *entitled*, An *Act* for regulating the Pilots, and eſtabliſhing their Pilotage between *Sandy-Hook* and the Port of *New-York*, and other Purpoſes therein mentioned. *So help me GOD.*

Who are to keep an Office in the City of *New-York*, and to provide a Clerk.

XI. **And be it further Enacted**, That the ſaid Maſter and Wardens ſhall keep an Office in the City of *New-York*, and provide and keep a Clerk, and a proper Book or Books, and therein ſhall cauſe regular and fair Entries to be made of all their Tranſactions and Proceedings in Virtue of this Act, to which all Perſons may have Recourſe: Which Clerk ſo to be appointed, is hereby impowered and authorized to receive all the Pilotage Money which ſhall, from Time to Time become due to all or any of the Pilots by Virtue of this Act; and on Refuſal of Payment, in his own Name to ſue for the ſame before the Mayor, Deputy Mayor, Recorder, and Aldermen of the City of *New-York*, or any one of them, who are hereby reſpectively impowered and authoriſed, to hear, try and determine the ſame in a ſummary Way, and to award Execution thereon, with Coſts, and to keep a diſtinct and ſeparate Account with each and every of the ſaid Pilots, of all ſuch Monies as he ſhall or may receive to their Uſe, and every Three Months to pay the ſame to them ſeverally, retaining in his Hands Four *per Cent.* for his Trouble. And all the Fines and Forfeitures ariſing by this Act, ſhall and may be ſued for, and recovered, by and in the Name of the ſaid Clerk, before the Mayor, Deputy Mayor, Recorder, and Aldermen of the ſaid City of *New-York*, or any one of them, who are hereby authoriſed and impowered to hear and determine the ſame: And all the ſaid Fines and Forfeitures, and ſuch Part of the Penalty of any Recognizance recovered and unapplied as aforeſaid, ſhall be paid into the Hands of the ſaid Maſter and Wardens, or any three or more of them, and by them applied towards defraying ſuch neceſſary Expences as they ſhall be put to in the Diſcharge of the Truſt repoſed in them. And the ſaid Clerk is hereby ordered and required to enter into Bond, with good Security, to the ſaid Maſter and Wardens, in the Sum of *Five Hundred Pounds*, for the faithful Diſcharge of the Duty and Truſt repoſed in him by this Act.

XII.

32d GEORGE II A. D. 1759.

XII. **And be it further Enacted,** That the Pilotage, which ſhall or may become due to any of the Pilots, who take the Charge of any Veſſels outward bound, ſhall be paid, or ſecured to be paid to the ſaid Clerk, before the breaking Ground of ſuch Veſſel in the Port of *New-York*; and in Caſe the ſaid Pilot for whoſe Uſe ſuch Money is paid, ſhall fail in doing his Duty, the Money to be returned, or the Security to be void, as may happen to be the Caſe.

The Pilotage to be ſecured in the Clerk's Hands.

XIII. **Be it further Enacted,** That the Maſter or Owners of every Veſſel going out of this Port, ſhall pay to the Clerk of the Maſter and Wardens of the Port of *New-York*, in Caſe he or they ſhall carry off any Pilot or Deputy Pilot, for the Uſe of ſuch Pilot or Deputy Pilot, after the Rate of *Eight Pounds* per Month, 'til he can return to this Port, provided the Pilot or Deputy Pilot performs the Duties required by this Act.

Proviſion of 8l. per Month for Pilots, ſhould they be carried off.

XIV. **And be it alſo Enacted** *by the Authority aforeſaid,* That during the Continuance of this Act, it ſhall and may be lawful for the Lieutenant Governor, or Commander in Chief of this Colony for the Time being, by and with the Advice and Conſent of his Majeſty's Council, to appoint ſo many Branch Pilots as ſhall be judged neceſſary for the ſafe Pilotage of Veſſels (when required) thro' the Channel in the Eaſt River, commonly called *Hell-Gate*, to and from the Port of *New-York*; the Maſter and Wardens as aforeſaid, to eſtabliſh the Pilotage, and alſo to make ſuch Rules and Regulations, for the Ordering and Direction of the ſaid Pilots, as ſhall be neceſſary and expedient.

The Governor to appoint as many Pilots thro' Hell-Gate, as may be judged neceſſary.

This Act to be and continue in Force, from the Publication hereof, until the Firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty One.

Continuance of this Act.

CHAP. CLXII.

An ACT *for impreſſing the ſeveral Perſons and Things, and repealing the ſeveral Acts therein mentioned.*

Paſs'd the 7th March, 1759.

The Acts repealed are Chap. 57, 95, and 122. Expired 1ſt January 1760.

CHAP. CLXIII.

An ACT *for confirming and rendering effectual the ſeveral Aſſignments, Sales, and Conveyances, made of the real Eſtates of ſuch Inſolvent Debtors, who have given up their Effects for the Benefit of their Creditors, in Purſuance to an Act, entitled,* An *Act to enable the Creditors of Inſolvent Debtors who are willing to give up their Effects, to diſpoſe of the ſame for the Benefit of the Creditors, and to releaſe the ſaid Debtors from Impriſonment; or, in Purſuance of another Act, entitled,* An *Act to enable the Aſſignees of Inſolvent Debtors, more effectually to diſpoſe of the Eſtates of ſuch Debtors, for the Benefit of their Creditors, and for other Purpoſes therein mentioned.*

Paſs'd the 7th March, 1759.

Repealed by Chap. 226.

CHAP. CLXIV.

An ACT *to prevent the buying, exchanging, or taking in Pawn, of or from any* Indian *or* Indians, *any Arms, Ammunition, or Cloathing, in the Counties of* Albany, Ulſter, Dutcheſs, *and* Orange.

Paſs'd the 7th March, 1759.

Expired 1ſt Jan. 1760.

CHAP.

33d GEORGE II A. D. 1759.

CHAP. CLXV.

An ACT *for emitting Bills of Credit to the Amount of* One Hundred and Fifty Thousand Pounds, *to enable His Majesty's General to pay the Debts contracted, and to carry on His Majesty's Service in* North-America, *and for sinking the same within Twelve Months.*

Obsolete.

Pass'd the 3d July, 1759.

CHAP. CLXVI.

An ACT *for removing the Prisoners from the* City-Hall *of the City of* New-York, *to the New Gaol, built by the Mayor, Aldermen, and Commonalty of the said City; and for appropriating certain Parts thereof to the Uses and Purposes of a Common Gaol for the City and County of* New-York.

Pass'd the 3d July 1759.

Preamble.

WHEREAS the keeping of Prisoners in the *City-Hall* of the said City, is found very inconvenient, and the Mayor, Aldermen, and Commonalty of the said City, have, for that and other Reasons, built and finished a new House in the Commons of the said City, and have provided proper and commodious Appartments within the same for Gaols, and the safe Custody of Prisoners:

The Sheriff not to confine any Prisoners in the City-Hall, after the Time within limited.

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same,* That from and after the Time herein after limited for the Removal of Prisoners, the Sheriff of the City and County of *New-York*, shall not at any Time, confine, or keep any Prisoner or Prisoners in the *City-Hall* of the City of *New-York*, nor occupy the same for any other Purpose or Purposes whatsoever. And that from henceforth the two Cellar Rooms under the West Side, and towards the Rear of the said House lately built by the Mayor, Aldermen, and Commonalty of the said City, the three Rooms or Appartments in the West Side of the same House, in the Middle Story, and the six Rooms in the Third Story in the said House, shall be the Gaol or Gaols of and for the said City and County of *New-York*; and that the Sheriff of the said City and County for the Time being, shall have the Keeping of the same.

Appartments in the New Gaol appointed for the Prisoners.

When they are to be removed.

II. **And be it further Enacted** *by the Authority aforesaid,* That the Sheriff of the said City and County, shall remove all his Prisoners from the *City-Hall* of the said City, to the Gaol or Gaols provided by this Act as aforesaid, when and as soon as the said Mayor, Aldermen, and Commonalty, by Order of their Board, and a Copy thereof to be served on him, the same shall direct, and shall there keep them the said Prisoners, and every of them, in safe Custody, until they be respectively discharged by due Course of Law.

Sheriff not liable to an Escape during the Removal; and if sued at any Time for such, to plead the General Issue.

III. **And be it further Enacted** *by the Authority aforesaid,* That the said Sheriff shall not be liable to any Action or Actions of Escape, or other Action at Law, for the removing of the said Prisoners, or either of them: And that if any Action, Plaint, Suit, or Information, shall be commenced or prosecuted against the said Sheriff, for removing the said Prisoners, or either of them, in Pursuance of this Act, that it shall and may be lawful for him to plead the general Issue (Not Guilty;) and upon any Issue joined, may give this Act, and the special Matter, in Evidence; and if the Plaintiff or Prosecutor shall become

33d GEORGE II A. D. 1759.

Nonſuit, or forbear further to proſecute, or ſuffer a Diſcontinuance, or if a Verdict paſs againſt the Plaintiff, the Defendant ſhall recover double Coſts, for which he ſhall have like Remedy as in Caſe where Coſts by Law are given to Defendants.

Proviſo.

IV. **Provided always, and it is hereby Enacted,** That in Caſe any Priſoner or Priſoners ſhall eſcape from the Cuſtody of the ſaid Sheriff, in the Time of his, her, or their Removal, and the ſaid Sheriff ſhall not retake him, her, or them, and actually confine ſuch Priſoner or Priſoners in the Gaol or Gaols provided by this Act, within Sixty Days after ſuch Eſcape made, the ſaid Sheriff ſhall be liable to all Actions for ſuch Eſcape or Eſcapes, in the ſame Manner as he would have been if this Act had not been made.

Sheriff to reſign the Keys of the City-Hall.

V. **And be it further Enacted** *by the Authority aforeſaid,* That as ſoon as the ſaid Sheriff ſhall have removed his Priſoners from the *City-Hall* of the ſaid City, the ſaid Sheriff ſhall deliver all the Keys of the ſame to the Mayor, Aldermen, and Commonalty of the City of *New-York*, or ſuch Perſon as they ſhall appoint to receive them.

CHAP. CLXVII.

Private.

An ACT *for naturalizing the ſeveral Perſons therein mentioned.*

Paſs'd the 3d July 1759.

CHAP. CLXVIII.

See Chap. 143. Continued by Chap. 204.

An ACT *further to continue an Act, entitled,* An *Act for granting to His Majeſty the ſeveral Duties and Impoſitions on Goods, Wares, and Merchandizes imported into this Colony, therein mentioned.*

Paſs'd the 24th December 1759.

WHEREAS the ſeveral Duties and Impoſitions on Goods, Wares, and Merchandizes imported into this Colony, and granted for the Support of His Majeſty's Government by the above mentioned Act, have, by ſeveral ſubſequent Acts, been continued to the Firſt Day of *January* next; and the General Aſſembly being willing to make Proviſion for the further Support thereof;

Act continued.

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the above mentioned Act, entitled, *An* Act *for granting to His Majeſty the ſeveral Duties and Impoſitions on Goods, Wares, and Merchandizes imported into this Colony, therein mentioned*; paſſed in the Twenty-ſeventh Year of His Majeſty's Reign; ſhall be, and hereby is continued; and every Clauſe, Matter, Article and Thing therein contained, enacted to be and remain in Force, to all Intents, Conſtructions, and Purpoſes whatſoever, from the ſaid Firſt Day of *January* next, until the Firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty One, both Days incluſive.

CHAP. CLXIX.

Obſolete.

An ACT *for the Payment of the Salaries of the ſeveral Officers of the Government, to the firſt Day of* September, *One Thouſand Seven Hundred and Sixty.*

Paſs'd the 24th December 1759.

CHAP.

33d GEORGE II
A. D. 1759.

CHAP. CLXX.

An ACT *further to continue an Act, entitled,* An *Act for regulating the Militia of the Colony of* New-York, *together with the ſeveral Acts therein mentioned, reſpecting the regulating the Militia.*

See Chap. 148. Continued by Chap. 206.

Paſs'd the 24th December 1759.

BE it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby* Enacted *by the Authority of the ſame,* That the Act aforeſaid, entitled, *An* Act *for regulating the Militia of the Colony of* New-York; paſſed in the Twenty-eighth Year of his Majeſty's Reign: As alſo one other Act, entitled, *An* Act *to continue an Act, entitled,* An *Act for regulating the Militia of the Colony of* New-York, *with ſome Additions thereto*; paſſed in the Twenty-ninth Year of his Majeſty's Reign: As alſo one other Act, entitled, *An* Act *to amend an Act, entitled,* An *Act for regulating the Militia of the Colony of* New-York; paſſed in the Thirtieth Year of his Majeſty's Reign: And likewiſe one other Act, entitled, *An* Act *further to continue an Act, entitled,* An *Act for regulating the Militia of the Colony of* New-York, *together with the two Acts therein mentioned, reſpecting the regulating the Militia of* New-York, *with an Addition thereto*; paſſed in the Thirty-ſecond Year of his Majeſty's Reign; ſhall be, and hereby are continued, and every Clauſe, Article, Matter and Thing in the ſaid four Acts contained, enacted to be and remain in full Force and Virtue, to all Intents, Conſtructions and Purpoſes whatſoever, from the firſt Day of *January* next, until the firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-one.

Acts continued.

BRITISH MUSEUM

CHAP. CLXXI.

An ACT *for laying an Exciſe upon all Tea of foreign Growth retailed within this Colony during the Time therein mentioned.*

Expired 1ſt Jan. 1760.

Paſs'd the 24th December, 1759.

CHAP. CLXXII.

An ACT *further to continue an Act, entitled,* An *Act for billeting and quartering His Majeſty's Forces within this Colony.*

See Chap. 149. ante. Continued by Chap. 207.

Paſs'd the 24th December, 1759.

BE it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Act, entitled, *An* Act *for billeting and quartering his Majeſty's Forces within this Colony*; paſſed in the Thirtieth Year of his Majeſty's Reign, ſhall be, and hereby is continued; and every Clauſe, Matter, and Thing therein contained, Enacted to be and remain of Force, to all Intents, Conſtructions, and Purpoſes whatſoever, until the firſt Day of *January*, One Thouſand Seven Hundred and Sixty One.

Act continued.

CHAP.

33d GEORGE II A. D. 1759.

CHAP. CLXXIII.

† 1 Vol. Chap. 611.
* 1 Vol. Chap. 880.

An ACT *further to continue an Act, entitled,* † An *Act to lay a Duty of Tonnage on the Veſſels, and for the Time therein mentioned; together with one* * *other Act therein mentioned.*

Paſs'd the 24th December, 1759.

WHEREAS an Act, entitled, *An* Act *to lay a Duty of Tonnage on the Veſſels, and for the Time therein mentioned*, paſſed in the Eighth Year of His Majeſty's Reign: As likewiſe another Act, entitled, *An* Act *further to continue an Act, entitled,* An *Act to lay a Duty of Tonnage on the Veſſels, and for the Time therein mentioned, with an Explanation and Addition thereto*; paſſed in the Twenty-fourth Year of His Majeſty's Reign, will both expire the firſt Day of *January* next: And the General Aſſembly being willing, for the Reaſons in the ſaid two Acts contained, to continue the ſame for a longer Time:

Acts continued.

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the two Acts aforeſaid ſhall be, and hereby are continued; and every Clauſe, Article, Matter and Thing in the ſaid two Acts contained, Enacted to be and remain in full Force and Virtue, to all Intents, Conſtructions and Purpoſes whatſoever, from the ſaid Day of *January* next, until the firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-five.

CHAP. CLXXIV.

See Chap. 18. ante.
Amended and made valid by Chap. 226.

An ACT *further to continue an Act, entitled,* An *Act to prevent Frauds in Debtors, together with the Act therein mentioned.*

Paſs'd the 24th December, 1759.

Be it Enacted *by his Honour the Lieutenant Governor, the Council, and General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Act entitled, *An* Act *to prevent Frauds in Debtors*; and likewiſe the Act, entitled, *An* Act *to prevent Frauds in Debtors, with an Addition thereto*; the firſt paſſed in the Twenty-fourth Year of his Majeſty's Reign, and the latter in the Twenty-ſeventh Year of his Majeſty's Reign; ſhall be, and hereby are continued; and every, Clauſe, Article, Matter, and Thing in the ſaid two Acts contained, Enacted to be and remain in full Force, until the firſt Day of *January*, which will be in the Year of our Lord, One Thouſand Seven Hundred and Sixty Seven.

Act continued.

CHAP. CLXXV.

See Chap. 150. Continued by Chap. 208.

An ACT *to continue an Act, entitled,* An *Act for the better apprehending and ſecuring Deſerters from his Majeſty's Forces in* America, *together with the Act therein mentioned.*

Paſs'd the 24th December, 1759.

Be it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Act, entitled, *An* Act *for the better apprehending and ſecuring Deſerters from his Majeſty's Forces in* America; paſſed in the Thirtieth Year of his Majeſty's

Majesty's Reign: As also another Act, entitled, *An Act to revive an Act, entitled,* An *Act for the better apprehending and securing Deserters from his Majesty's Forces in* North-America; passed in the Thirty-second Year of his Majesty's Reign; shall be and hereby are continued; and every Clause, Article, Matter and Thing in the said two Acts contained, Enacted to be and remain in full Force, from the first Day of *January* next, until the first Day of *January*, which will be in the Year One Thousand Seven Hundred and Sixty-one.

33d GEORGE II A. D. 1759.

Acts continued.

CHAP. CLXXVI.

An ACT *to extend an Act, entitled,* An *Act for preventing Trespasses to the County of* Ulster.

Pass'd the 24th December, 1759.

Chap. 72, 1 Vol.

WHEREAS an Act passed in the Eleventh Year of King *William* the Third, for preventing Trespasses, in which is a Clause exempting the County of *Ulster*, notwithstanding the said exempting Clause:

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same,* That the said Act shall, after the Publication hereof, extend to, and be in Force in the County of *Ulster*, notwithstanding the said exempting Clause.

Act continued.

CHAP. CLXXVII.

An ACT *to impower Justices of the Peace, Mayors, Recorders, and Aldermen, to try Causes to the Value of* Five Pounds, *and under; and for repealing an Act therein mentioned.*

1 Vol. Chap. 656.

Pass'd the 24th December, 1759.

WHEREAS it has been found by Experience, in the Counties that have had the Benefit of trying Causes by Justices of the Peace to the Value of *Five Pounds*, and under, to be greatly advantageous to the Inhabitants, being thereby enabled speedily, and at small Expence, to come at Justice. And it being apparent that the Cities and Borough will be equally benefited by having the same Privilege, for which they are very solicitous;

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same,* That all Actions, Cases, and Causes of Debt, Trespass, Trespass on the Case, and Replevin, wherein the Sum or Thing demanded for Cause of Action shall not exceed the Sum of *Five Pounds*, (except such Actions as are hereby excepted) shall, after the first Day of *January* next, be, and hereby are made cognizable before any one Justice of the Peace of any of the Counties, or the Mayor, Recorder, or Aldermen of the Cities of *New-York* and *Albany*, and Borough of *Westchester* respectively, within this Colony. And the said Justices, Mayors, Recorders, or Aldermen, are hereby respectively impowered and required, upon Application to either of them made for the Recovery of any such Debt or Demand, to issue a Summons or Warrant, as the Case may require, directed to the Constables, or other proper Officers, or any of them, of the City, Borough, Town, Manor, Precinct, or District, where the Defendant dwells, or can be found; commanding him to bring, or cause such Defendant to come, with the Plaintiff, or his Attorney, before him, at the Time, and in the Manner following, *that is to say*; In Case where such Process shall be in the Nature of a Capias, forthwith after the Service thereof;

Actions of 5*l.* and under, cognizable before Justices, Mayors, Recorders, Aldermen, &c.

Who are to proceed by Warrant or Summons, as the Case may require.

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but where the Summons ſhall be iſſued, then on ſome certain Day therein to be expreſſed, not leſs than Six, nor exceeding Twelve Days, from the Service of ſuch Summons: And at the Time appointed for hearing ſuch Cauſe, or on ſuch other Day as ſuch Juſtice, Mayor, Recorder, or Alderman, ſhall think reaſonable to appoint, not exceeding Six Days, the ſaid Juſtice, Mayor, Recorder, or Alderman, ſhall proceed to hear and examine the Allegations and Evidences of the Plaintiff and Defendant, and within Twelve Days thereafter, give his Judgment thereupon, in ſuch Manner as ſhall appear to him agreeable to Equity and Juſtice, together with ſuch Coſts as are herein after allowed.

And to hear both Parties, and give Judgment with Coſts.

II. And be it Enacted *by the Authority aforeſaid*, That the Proceſs againſt all Freeholders and Inhabitants, having Families, ſhall be by Summons only, which ſhall be ſigned by the Juſtice, Mayor, Recorder, or Alderman that granted it, and ſerved on the Perſon of the Defendant, or a Copy thereof left at his or her Houſe or Place of Abode, in the Preſence of ſome of the Family, of ſuitable Age and Diſcretion, (who ſhall be informed of the Contents thereof) at leaſt Six Days before the Time appointed for Hearing. And in Caſe the Defendant doth not appear at the Time and Place that ſhall be appointed in ſuch Summons, then on Oath or Affirmation made by the Conſtable or other Officer, that the ſaid Summons was duly ſerved in the Manner aforeſaid, and no ſufficient Reaſon appearing to the ſaid Juſtice, Mayor, Recorder, or Alderman, why the Defendant did not appear on the ſaid Day appointed in the ſaid Summons, the ſaid Juſtice, Mayor, Recorder, or Alderman, ſhall iſſue his Warrant, and proceed in the ſame Manner as above is directed.

Proceſs againſt Freeholders and Inhabitants to be by Summons only.

On Non-appearance a Warrant to be iſſued.

III. Provided always, And be it Enacted *by the Authority aforeſaid*, That if any ſuch Plaintiff ſo applying ſhall, upon Oath or Affirmation, declare, that he or ſhe does really and ſincerely believe, that if ſuch Proceſs be only by Summons againſt ſuch Freeholder or Inhabitant, having a Family, he or ſhe will be in Danger of loſing the Debt or Demand thereby, ; or that he or ſhe doth really and ſincerely believe, that ſuch Freeholder or Inhabitant will depart the City, County, or Borough, or otherwiſe abſcond before ſuch Time, then the ſaid Juſtice, Mayor, Recorder, or Alderman, ſhall iſſue his Warrant in ſuch Manner as if the Defendant had not been a Freeholder or Inhabitant having a Family. And if any Defendant ſhall require a longer Time than is firſt appointed by the ſaid Juſtice, Mayor, Recorder, or Alderman, and will, if required, give ſufficient Security to appear and ſtand Tryal on ſuch other Day as ſhall be appointed, then the ſaid Juſtice, Mayor, Recorder, or Alderman, is hereby required and impowered to adjourn the Tryal of ſuch Cauſe to any Day he ſhall think moſt convenient, not exceeding Twelve Days, nor leſs than Three, from that Time, unleſs the Juſtice, Mayor, Recorder, or Alderman, and Parties ſhall otherwiſe agree.

On Affidavit that the Perſons will abſcond, a Warrant may be iſſued inſtead of a Summons.

IV. And be it Enacted *by the Authority aforeſaid*, That in every Action that ſhall hereafter be brought in this Colony by Virtue of this Act, it ſhall and may be lawful for either of the Parties to the Suit, to demand of the ſaid Juſtice, Mayor, Recorder, or Alderman, that ſuch Action be tried by a Jury; and upon ſuch Demand, the ſaid Juſtice, Mayor, Recorder, or Alderman, is hereby required and commanded to iſſue a Warrant to the Conſtables, or other Officer of the City, Borough, Town, Manor, Precinct, or Diſtrict, where the ſame may happen, commanding them or him to bring, or cauſe to come, at ſuch certain Time and Place as ſhall be in the Warrant expreſſed, Six good and lawful Men of the City, Borough, or County reſpectively, being Freeholders or Freemen; who appearing, the ſaid Juſtice, Mayor, Recorder, or Alderman, ſhall adminiſter to each of them an Oath in the Form following, *viz.*

A Jury of Six Freeholders to try the Cauſe if deſired by either Party.

YOU

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YOU ſhall, well and truly try this Matter in Difference between A. B. *Plaintiff, and* C. D. *Defendant, and a true Verdict ſhall give according to Evidence.* So help you GOD.

And after the Six Perſons have taken the Oath aforeſaid, they ſhall ſit together, and hear the ſeveral Proofs and Allegations of the Parties, which ſhall be delivered in Publick in their Preſence; after which they ſhall be kept together in ſome convenient private Place, until they all agree upon a Verdict, which ſhall be given in to the ſaid Juſtice, Mayor, Recorder, or Alderman, who is hereby required to give Judgement agreeable to ſuch Verdict, and to award Execution in the Manner herein after directed: The Coſts of the Jury to be paid with the other Coſts, by the Party againſt whom their Verdict ſhall be found.

V. **And be it Enacted** *by the Authority aforeſaid,* That if the Plantiff, in any ſuch Suit or Action, ſhall be nonſuited, or diſcontinue or withdraw his Suit, without the Leave of the Defendant, then Judgment ſhall be given againſt him for the Coſts accrued; or if he ſhall appear to be indebted to the Defendant, then Judgment ſhall be given againſt him for the Debt or Demand, and Coſts, as the Caſe may require. And whenever Judgment ſhall be given againſt either Plantiff or Defendant, in any of the before-mentioned Caſes, the Juſtice, Mayor, Recorder, or Alderman, that pronounced the ſaid Judgment, ſhall grant Execution thereupon, directed to one of the Conſtables, or other proper Officer of the ſaid City, Borough, Town, Manor, Precinct, or Diſtrict, commanding him to levy the Debt or Demand, and Coſts, on the Goods and Chattels of the Perſon againſt whom ſuch Execution ſhall be granted; and for Want of ſufficient Effects whereon to levy the Execution, to take the Body of the Perſon againſt whom ſuch Execution ſhall be granted, and him or her convey and deliver to the Keeper of the Common Gaol of the City, Borough, or County: Which ſaid Conſtable, or other proper Officer, after his taking ſuch Goods and Chattels into his Cuſtody, (by Virtue of ſuch Execution) ſhall give public Notice, by an Advertiſement put up at the moſt publick Place of the City, Borough, Town, Manor, Precinct or Diſtrict, where ſuch Goods ſhall be taken, of the Sorts of the Goods, and the Time and Place where and when they ſhall be expoſed to Sale, at leaſt Five Days before the Time appointed for ſelling them; and at the Time and Place ſo appointed for ſelling them, ſhall expoſe them to Sale by publick Vendue, to the higheſt Bidder, and pay the Money according as ſhall be directed in the Warrant, or Writ of Execution, and return the Overplus, if any be, to the Owner. And for Want of ſufficient Goods and Chattels whereon to levy the Execution, the Conſtable, or other proper Officer to whom any ſuch Execution ſhall be directed, ſhall, according to the Tenor of the ſaid Execution, take the Body of the Perſon againſt whom any ſuch Execution ſhall be granted, and convey and deliver him or her to the Keeper of the Common Gaol of that City, Borough, or County; which ſaid Gaol-Keeper is hereby commanded to keep ſuch Priſoner in his ſafe Cuſtody in the common Gaol, until the Debt or Demand, with the Coſts, ſhall be fully paid, or until he or ſhe ſhall be from thence delivered by due Courſe of Law. **Provided Nevertheleſs,** That no Execution of any Judgment given by Virtue of this Act, ſhall iſſue againſt any Freeholder in leſs than One, or delayed longer than Two Months after giving the ſaid Judgment, unleſs the Party in whoſe Favour Judgment ſhall be given, ſhall make it appear to the ſaid Juſtice, Mayor, Recorder, or Alderman, on Oath or Affirmation, that he or ſhe is in Danger of loſing their Debt or Demand, if ſuch Delay be allowed: In which Caſe the Juſtice, Mayor, Recorder, and Alderman, ſhall iſſue his Warrant of Execution immediately, as herein before directed, unleſs the Party againſt whom ſuch Judgment ſhall be given, ſhall thereupon give Security

If the Plaintiff diſcontinue, &c. or appears to be indebted to the Defendant, then Judgment to be given for the Defendant.

No Execution to iſſue againſt a Freeholder in leſs than a Month, unleſs there is Danger of loſing the Debt.

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Security to the Party in whoſe Favour Judgment went, to pay the full of the Debt or Demand and Coſts, at or before the Expiration of one Month.

Perſons ſuing contrary to this Act ſhall not recover.

VI. **And be it Enacted** *by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever, ſhall commence, ſue, or proſecute any Suit or Suits for any Debt or Demand made cognizable as aforeſaid, in any other Manner than is directed by this Act, and ſhall obtain a Verdict or Judgment thereon for Debt or Damages, which without Coſts of Suit ſhall not amount to more than *Five Pounds*, (not having cauſed an Oath or Affirmation to be made before the obtaining a Writ, and filed the ſame in the Clerks-Office, that he, ſhe, or they ſo making Oath or Affirmation, did truly believe the Debt due, or Damages ſuſtained exceeded the Sum of *Five Pounds*) he, ſhe, or they ſo proſecuting, ſhall not recover, nor have any Coſts in ſuch Suit: Any Law, Uſage, or Cuſtom to the Contrary in any Wiſe notwithſtanding. **Provided Always**, That neither this Act, nor any Thing herein contained, ſhall be deemed, conſtrued, or underſtood to extend to ſuch Actions wherein his Majeſty, his Heirs, or Succeſſors may be concerned, or where the Title of Lands ſhall any Wiſe come in Queſtion. **Provided Alſo**, That nothing in this Act ſhall extend to Matters of Account, where the Sum total of ſuch Account ſhall exceed, in the Amount or Value thereof, the Sum of *Twenty Pounds*: And that no Juſtice of the Peace, being a Tavern-Keeper, ſhall try any Cauſe by Virtue of this Act, at his own Houſe, any Thing herein to the Contrary notwithſtanding.

This Act not to extend to Suits where Titles of Land are in Queſtion.

The Fees to be allowed in Cauſes brought on this Act.

VII. **And be it Enacted** *by the Authority aforeſaid*, That no greater or other Fees ſhall be allowed, taxed, or taken in Actions brought in the Manner by this Act, directed, than as in this Act is appointed to be taken, (viz.) JUSTICES FEES: A Summons, *Nine Pence*. A Warrant, *One Shilling and Six Pence*. A Judgment, *One Shilling*. Adminiſtring every Oath or Affirmation, *Six Pence*. Every Execution, *One Shilling and Six Pence*. A Summons for Evidence, *Six Pence*. Iſſuing the *Venire Facias*, to ſummon a Jury, *One Shilling*. Swearing the Jury, *One Shilling and Six Pence*. EVIDENCES: Attending on Summons or otherwiſe, *Two Shillings per Day*; and ſo in Proportion for a longer or ſhorter Time. CONSTABLE, or other proper OFFICER: For ſerving every Warrant or Summons, for one Mile's Travel or under, *One Shilling*; every Mile more, *Six Pence*. Serving every Execution, for every *Pound*, *Two Shillings*. Summoning every Jury, *Three Shillings*. JURIES: For all Cauſes tried, *One Shilling* per Man. When ſummoned and the Cauſe not tried, *Six Pence* per Man. **Provided**, That the whole Coſts to be recovered or allowed in any one Cauſe or Action, ſhall not exceed the Sum of *Forty Shillings*. **And Provided**, That nothing herein contained, ſhall extend to oblige ſuch Juſtices of the Peace within this Colony, as are Members of his Majeſty's Council, to take Cognizance of any ſuch Cauſes, Matters, or Things as are by this Act provided for, but that they ſhall be at Liberty at all Times, to act therein, or not, as to them ſhall ſeem fitting; any Thing herein contained to the Contrary notwithſtanding.

Not to exceed 40 Shillings.

Act repealed.

VIII. **And be it Enacted** *by the Authority aforeſaid*, That one certain Act, entitled, *An* Act *for eſtabliſhing and regulating Courts to determine Cauſes of* Forty Shillings *and under in this Colony*, paſſed in the Eleventh Year of His preſent Majeſty's Reign, ſhall be, immediately after the Commencement of this Act, repealed; and every Clauſe, Article, Matter, and Thing in the ſaid Act contained, hereby made null and void, during the Continuance of this Act.

This Act to be in Force until the firſt Day of January, 1764.

IX. **And be it further Enacted**, *by the Authority aforeſaid*, That this Act be of Force from the firſt Day of *January* next, until the Firſt Day of *January*, which will be in the Year One Thouſand Seven Hundred and Sixty Four.

CHAP.

33d GEORGE II. A. D. 1759.

CHAP. CLXXVIII.

An ACT *to prevent the selling of Tickets in this Colony, of any Lotteries schemed or erected in any other Colony.*

Pass'd the 24th December, 1759.

WHEREAS the selling and disposing of Tickets taken out of Lotteries erected and schemed in the neighbouring Colonies, (which several Persons have of late set on foot and practised) hath been found manifestly prejudicial, and of pernicious Consequence to the Inhabitants of this Colony. For Prevention whereof for the Future:

I. Be it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same,* That if any Person or Persons whatsoever, after the Publication of this Act, shall presume to sell, or dispose of any Ticket or Tickets in this Colony, taken out of, or from any Lottery or Lotteries erected and schemed in any of the neighbouring Colonies, under whatsoever Name, Title, or Denomination the same may pass, he, she, or they shall respectively forfeit and pay for every such Ticket so sold or disposed of as aforesaid, the Sum of *Six Pounds*, to be recovered by any Person or Persons who shall and will sue for the same in any Court of Record within this Colony: One-half of which Forfeiture to be paid to the Informer, and the other Half to the Church Wardens or Overseers of the Poor of the City, Town, or Precinct, where the said Forfeiture shall happen.

Penalty of 6 l. for selling Lottery Tickets in this Colony.

CHAP. CLXXIX.

An ACT *to regulate the collecting the Duty of Excise on Strong Liquors retailed in this Colony, from the first Day of* January, *One Thousaud Seven Hundred and Sixty, to the first Day of* January, *One Thousand Seven Hundred and Sixty One.*

Expired 1st January 1761.

Pass'd the 24th December 1759.

CHAP. CLXXX.

An ACT *further to continue the Currency of the Bills of Credit emitted by Virtue of an Act, entitled,* An *Act for emitting Bills of Credit for the Payment of the Debts, and for the better Support of the Gov[illegible]t of this Colony, and other Purposes therein mentioned.*

Pass'd the 24th December, 1759.

WHEREAS an Act, entitled, *An* Act *for emitting Bills of Credit for the Payment of the Debts, and for the better Support of the Government of this Colony, and other Purposes therein mentioned*; passed in the Eleventh Year of his Majesty's Reign, has, by several subsequent Acts, been continued and prolonged until the Third Tuesday in *April*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty. And whereas the Circumstances of the Colony still require the Aid of the Interest Money arising on the Bills of Credit issued by the Act first aforesaid, for supporting the Government thereof:

Preamble.

33d GEORGE II A. D. 1759.

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Time for which the ſaid Intereſt Money ſtands appropriated for the Support of the Government of this Colony, by the laſt ſubſequent Act aforeſaid, entitled, *An* Act *further to continue the Currency of the Bills of Credit, emitted by Virtue of an Act, entitled,* An *Act for emitting Bills of Credit for the Payment of the Debts, and for the better Support of the Government of this Colony, and other Purpoſes therein mentioned*; ſhall be, and hereby is deferred, removed, and further prolonged, until the Third Tueſday in the Month of *April*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty One; any Thing in any of the aforeſaid Acts to the Contrary notwithſtanding. And that at the Time laſt mentioned, One-fourth Part of the ſaid Bills of Credit, and the Remainder thereof in the next three ſucceeding Years, ſhall be paid in, cancelled, and deſtroyed, at the Times, and in the Manner directed in and by an Act, entitled, *An* Act *for the more effectual cancelling the Bills of Credit of this Colony*, paſſed in the Twenty-firſt Year of his Majeſty's Reign: And that as well the ſaid firſt mentioned Act, as one other Act, entitled, *An* Act *to facilitate and explain the Duty of the Loan-Officers in this Colony*; paſſed in the ſaid Eleventh Year of his Majeſty's Reign; and every the Clauſes, Articles, Matters, and Things in them contained, ſhall be, and hereby are Enacted to continue and remain in full Force and Virtue, to all Intents, Conſtructions and Purpoſes whatſoever, until the third Tueſday in *April*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-four: Any Thing in the ſaid Acts to the Contrary notwithſtanding.

The Time for which the Intereſt Money ſtands appropriated for the Support of the Government of this Colony.

II. **And be it Enacted** *by the Authority aforeſaid,* That the ſaid Bills, during the Time they are hereby Enacted to remain current, ſhall continue to be put out at Intereſt, in the ſame Manner and Method as in the ſaid firſt mentioned Act is directed; and that all the Intereſt Money which may ariſe on them during that Time, ſhall from Time to Time, be employed to and for the Support of the Government of this Colony, in ſuch Manner as ſhall, by Act or Acts hereafter to be paſſed for that Purpoſe, be ordered and directed, and not otherwiſe, except ſo much thereof as may be neceſſary for ſinking and cancelling the Sum of *Eight Thouſand and Fifty-nine Pounds Fourteen Shillings and Eleven-pence*, emitted in Bills of Credit, by Virtue of the Act firſt aforeſaid, for paying the Debts then due from this Colony.

During which Time the ſaid Bills to be put out on Intereſt.

III. **And be it Enacted** *by the Authority aforeſaid,* That the Loan-Officers of the ſeveral Cities and Counties within this Colony, for the Time being, ſhall be, and hereby are fully impowered and authorized to alter the Form of all ſuch Mortgages, as ſhall by them, or any of them, hereafter be taken in any of their Offices, in Relation to the Time and Times of Payment, in ſuch Manner as to make the ſame anſwerable to the true Intent and Meaning of this Act: Any Thing in any the aforeſaid Acts to the contrary notwithſtanding.

The Loan-Officers impowered to alter the Form of Mortgages, to anſwer the Intent of this Act.

IV. **And be it Enacted** *by the Authority aforeſaid,* That whenſoever the Loan-Officers of the ſeveral Cities and Counties within this Colony, ſhall, from the Information of any of the Supervizors in the reſpective Counties of this Colony, or from the Information of the Juſtices and Veſtrymen of the City of *New-York*, or the major Part of them, have ſufficient Reaſon to ſuſpect the Inſufficiency of any of the Securities taken, or to be taken, for any Sums of Money lent, or to be lent, out of any of their ſeveral Offices, either as to the Value or Title of the ſaid Securities, they the ſaid Loan-Officers ſhall be, and hereby are impowered and required to demand Payment of the principal Sums, notwithſtanding the due Payment of the Intereſt thereof, or further ſufficient Security;

And if they ſuſpect the Inſufficiency of Sureties, to demand Payment of the principal Sums, notwithſtanding the due Payment of the Intereſt thereof, or further ſufficient Sureties;

Security: And upon Failure of the due Payment of ſuch principal Sums, or refuſing, or neglecting to give further ſufficient Security, within Fourteen Days after ſuch Demand made, to proceed to the Sale of the mortgaged Lands, or to ſuch other Remedy as is given by the firſt aforeſaid Act, according to the Nature of the Caſe, and therein to purſue the Rules and Directions preſcribed in and by the ſaid Act; any Thing therein contained to the contrary notwithſtanding.

and upon Failure of Payment to ſell the mortgaged Lands.

V. **And be it further Enacted** *by the Authority aforeſaid*, That if any of the Perſons who became Securities for the Loan-Officers, purſuant to the firſt aforeſaid Act, ſhall be deſirous of being diſcharged from continuing longer under their ſaid Engagements, they ſhall give Notice thereof in Writing to the Supervizors of the reſpective Counties, or to the Mayor and Aldermen of the reſpective Cities where they ſtand engaged, between the firſt Tueſday in *February*, and the firſt Tueſday in *March*, in the Year One Thouſand Seven Hundred and Sixty. And the ſaid Supervizors, or Mayor and Aldermen reſpectively, ſhall immediately thereafter, give Notice in Writing to the reſpective Loan-Officers, whoſe Sureties ſo deſire to be diſcharged, that he or they do, by the firſt Tueſday in *April* then next following, provide and give new Surety. And in Caſe any of the Loan-Officers aforeſaid, ſo notified as aforeſaid, ſhall fail in giving new Surety, to the Satisfaction of the ſaid Supervizors, or Mayor and Aldermen reſpectively by the ſaid Day, then the ſaid Supervizors, or Mayor and Aldermen reſpectively, ſhall proceed to the Choice of a new Loan-Officer or Loan-Officers, in the Room and Stead of ſuch ſo failing; and in their Proceeding thereon, ſhall purſue the Directions of the firſt aforeſaid Act, with Reſpect to the Choice of new Loan-Officers, in the ſeveral Caſes therein mentioned; any Thing in this or the aforeſaid Acts to the contrary notwithſtanding.

If any of the Loan-Officers Securities be deſirous to be diſcharged from their engagements, to give Notice thereof:

And others are to be provided.

CHAP. CLXXXI.

An ACT *to reſtrain Hawkers and Pedlars from ſelling without Licence in this Colony.*

Paſs'd the 24th December 1759.

BE it **Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame*, That from and after the firſt Day of *January* next, there ſhall be anſwered and paid unto his Majeſty, his Heirs and Succeſſors, by every Hawker, Pedlar, Petty Chapman, or other trading Perſon or Perſons going from Town to Town, or to other Men's Houſes, and travelling, either on Foot, or with Horſe or Horſes, or other Beaſts of Burthen, or with any Kind of Carriage, or otherwiſe, within this Colony of *New-York*, (except as hereafter is excepted) carrying to ſell, or expoſing to Sale, any Goods, Wares, and Merchandizes; the reſpective Duties following, *that is to ſay*; Every Perſon or Perſons going on Foot as aforeſaid, and carrying to ſell, or expoſing to Sale, any Goods, Wares, or Merchandizes, a Duty of *Seven Pounds Ten Shillings, per Annum*. And every Perſon and Perſons ſo travelling with Horſe or Horſes, or other Beaſts of Burthen, (except as hereafter is excepted) carrying to ſell, or expoſing to Sale, any Goods, Wares, or Merchandizes, the like Duty of *Seven Pounds Ten Shillings, per Annum*, for each Horſe or other Beaſt of Burthen, with which he or ſhe ſhall ſo travel. And for every Waggon, Cart, Sled, or other Carriage, the further Sum of *Five Pounds, per Annum*, over and above the ſaid Sum of *Seven Pounds Ten Shillings*, for the ſaid Pedlar, and the ſaid Sum of *Seven Pounds Ten Shillings*, for each Horſe or other Beaſt of Burthen.

The Sums to be paid annually by Hawkers, &c.

II. And

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A Licence to be given them by the Treaſurer; to whom they muſt give Notice in what Manner they will trade.

II. **And be it Enacted** *by the Authority aforeſaid*, That every Pedlar, Hawker, or Petty-Chapman, and other trading Perſon or Perſons ſo travelling as aforeſaid within this Colony, ſhall take a Licence from the Treaſurer of this Colony for the Time being; and in Order thereto, ſhall deliver unto the ſaid Treaſurer a Note in Writing, under his or her Hand, or under the Hand of ſome Perſon by him, her, or them authoriſed in that Behalf, how and in what Manner he or ſhe will travel and trade, whether on Foot, or with one or more Horſes, or other Beaſt bearing or drawing Burthen, or with any Sort of Carriage; and according to ſuch Notification, he or ſhe ſhall pay unto the ſaid Treaſurer for the Time being, the full Sum or Sums above-mentioned; and upon Payment thereof to the ſaid Treaſurer, he is to give a Licence, under his Hand and Seal, to the Perſon or Perſons making ſuch Payment, to travel with his or her Wares for Sale, for the Term of one Year, either ſingle, or with one or more Horſes, or with a Carriage, according to the Sum of Money paid by ſuch Perſon or Perſons: For which Licence there ſhall be paid by the Perſon to whom the ſame ſhall be granted, the Sum of *Three Shillings*, and no more, over and above the Duties aforeſaid; and which Licence, and Method of obtaining and granting thereof, ſhall be good and effectual: And that the Treaſurer for the Time being, ſhall keep a diſtinct Account of the Duties to be received by Virtue of this Act.

Penalties for trading without a Licence.

III. **And be it Enacted** *by the Authority Aforeſaid*, That if any ſuch Hawker, Pedlar, Petty-Chapman, from and after the ſaid firſt Day of *January* next, and during the Continuance of this Act, be found trading as aforeſaid, without, or contrary to ſuch Licence, ſuch Perſon ſhall for each and every ſuch Offence, forfeit and pay the Sum of *Fifty Pounds*, current Money of this Colony; the one Moiety thereof to the Informer, and the other Moiety to the Poor of the Town or Place wherein ſuch Offender ſhall be diſcovered. And that every Perſon ſo trading, who, upon Demand made by any Juſtice of the Peace, Sheriff, Conſtable, or any other Perſon within this Colony, where he or ſhe ſhall ſo trade, ſhall refuſe to produce, or ſhew his, her, or their Licence for ſo trading, to be granted as aforeſaid; that then the Perſon ſo refuſing, ſhall forfeit *Five Pounds*; to be paid to the Overſeers of the Poor where ſuch Demand ſhall be made, to the Uſe of the Poor of the Place; and for Non-payment thereof, ſhall ſuffer one Month's Impriſonment.

Penalties for not ſhewing ſuch Licence when demanded.

And for forging a Licence.

IV. **And be it further Enacted** *by the Authority aforeſaid*, That if any Perſon or Perſons, ſhall forge or counterfeit any Licence or Licences, to travel with ſuch forged or counterfeited Licence for the Purpoſes aforeſaid, ſuch Perſon ſhall forfeit the Sum of *Fifty Pounds*; one Moiety thereof to his Majeſty, his Heirs and Succeſſors; to be applied as the Governor or Commander in Chief for the Time being, the Council, and the General Aſſembly of this Colony, ſhall hereafter think fit; and the other Half to him or them that ſhall proſecute or ſue for the ſame; to be recovered by Action of Debt, Bill, Plaint, or Information, in the Supreme, or any of the Inferior Courts of this Colony, in which no Eſſoin, Protection, Wager of Law, or more than one Imparlance ſhall be allowed.

Perſons ſued for executing this Act may plead the General Iſſue, and recover treble coſt.

V. **And be it further Enacted** *by the Authority aforeſaid*, That if any Perſon or Perſons ſhall be ſued moleſted, or troubled, for putting in Execution any of the Powers contained in this Act, or for doing any Matter or Thing purſuant thereto, ſuch Perſon or Perſons ſhall and may plead the General Iſſue, (Not Guilty) and give the ſpecial Matter in Evidence. And if the Plaintiff or Plaintiffs ſhall become Non-ſuit, or diſcontinue his or their Action, or if a Verdict ſhall paſs againſt him or them, the Defendant ſhall recover treble Coſts; for

for which Execution ſhall iſſue in ſuch a Manner as in other Caſes where Coſts are allowed to Defendants.

VI. **And be it further Enacted**, *by the Authority aforeſaid*, That it ſhall and may be lawful for any Perſon or Perſons whatſoever, to ſeize and detain any ſuch Hawker, Pedlar, or Petty-Chapman, or other trading Perſon or Perſons as aforeſaid, who ſhall be found trading without a Licence, contrary to the true Intent and Meaning of this Act; and him, her or them ſo ſeized, to carry before one or more of his Majeſty's Juſtices of the Peace of the County or Place where ſuch Offence or Offences ſhall be committed: Which ſaid Juſtice or Juſtices of the Peace is, and are hereby authoriſed and ſtrictly required, (either upon the Confeſſion of the Party offending, or due Proof of any one or more credible Witneſſes upon Oath; which Oath he or they is, and are hereby impowered to adminiſter, that the Perſon ſo brought before him or them had ſo traded as aforeſaid; and if no ſuch Licence ſhall be produced by ſuch Offender before the ſaid Juſtice or Juſtices) by Warrant under his or their Hands and Seals, or under the Hand and Seal of one of them, to cauſe the ſaid Sum of *Fifty Pounds*, to be forthwith levied by Diſtreſs and Sale of the Offenders Goods, Wares, or Merchandizes, rendering the Overplus, if any be, to the Owner or Owners thereof, after true Deduction for the reaſonable Charge of taking the ſaid Diſtreſs, and out of the Sale, to pay the ſaid reſpective Penalties and Forfeitures aforeſaid.

Any Perſon may ſeize and carry a Pedlar who ſhall trade without Licence, before a Juſtice of Peace.

VII. AND in order to prevent the giving of any unneceſſary Trouble to any Perſon or Perſons who ſhall ſuſpect any ſuch Hawker, Pedlar, Petty-Chapman, or other trading Perſon trading without Licence; **Be it Enacted** *by the Authority aforeſaid*, That upon Refuſal of producing ſuch Licence to any Perſon or Perſons demanding the ſame, and it be afterwards produced to the Juſtice or Juſtices, ſuch Offenders, for ſuch Refuſals, ſhall forfeit and pay to the Perſon or Perſons demanding the ſame, the Sum of *Thirty Shillings*, current Money aforeſaid.

Every Pedlar ſhall produce his Licence to any Perſon requiring him, or forfeit 30s.

VIII. **And be it further Enacted** *by the Authority aforeſaid*, That the Monies to ariſe by Virtue of this Act, ſhall be applied as the Governor or Commander in Chief for the Time being, the Council, and the General Aſſembly of this Colony, ſhall hereafter think fit, and not otherwiſe.

In what Manner the Money raiſed is to be applied.

IX. **Provided always, and be it Enacted** *by the Authority aforeſaid*, That neither this Act, nor any Thing therein contained, ſhall extend to prohibit any Perſon from ſelling any Fiſh, Fruit or Victuals, or to hinder any Perſon or Perſons who are the real Workers or Makers of any Goods or Wares of his, her, or their own manufacturing, in any publick Market, Fair, or elſewhere; nor any Tinker, Glazier, Cooper, Plummer, Taylor, or other Perſon uſually trading in mending, or making of Clothes, Kettles, Tubs, or Houſhold Goods whatſoever, from going about and carrying with him or them, proper Materials for making and mending the ſame.

To what Perſons this Act ſhall not be conſtrued to extend.

X. **Provided alſo, and be it Enacted** *by the Authority aforeſaid*, That neither this Act, nor any Thing therein contained, ſhall extend, or be conſtrued to give any Power for the licencing any Hawker, Pedlar, or Petty-Chapman, to ſell or expoſe to Sale, any Wares or Merchandizes in the Cities of *New-York* and *Albany*; any Thing herein contained to the contrary notwithſtanding.

No Hawking to be allowed in New-York and Albany.

XI. **Provided likewiſe**, That any Perſon or Perſons coming to any Town or Towns with a Cargo of Goods and Merchandizes, and bringing the ſame

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into a Houſe in ſuch Town where they are to lodge or reſide, at leaſt the Space of Thirty Days, and diſpoſing of their Goods or Merchandizes in ſuch Houſe only, ſuch Perſon or Perſons ſhall not be deemed a Hawker, Pedlar, or Petty-Chapman, within the Meaning of this Act; any Thing therein to the contrary notwithſtanding.

What Perſons ſhall not be deemed Pedlars.

XII. THIS Act to continue in Force from the firſt Day of *January* next, to the firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty Five.

Continuance of this Act.

CHAP. CLXXXII.

An ACT *to continue an Act, entitled,* An *Act to enable the Mayor, Deputy Mayor, Recorder, and Aldermen of the City of* New-York *for the Time being, or the major Part of them, to raiſe a Tax for mending and keeping in Repair the publick Wells and Pumps in the ſaid City, to the South of* Freſh-Water, *and other Purpoſes therein mentioned.*

See Chap. 20. ante.

Paſs'd the 24th December 1759.

WHEREAS an Act, entitled, *An* Act *to enable the Mayor, Deputy Mayor, Recorder, and Aldermen of the City of* New-York, *for the Time being, or the major Part of them, to raiſe a Tax for mending and keeping in Repair, the publick Wells and Pumps in the ſaid City, to the South of* Freſh-Water, *and other the Purpoſes therein mentioned*; paſſed in the Twenty-ſeventh Year of his preſent Majeſty's Reign, will expire by its own Limitation, on the firſt Day of *January* next: And the ſaid Act being found neceſſary and uſeful;

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the ſaid Act, and every Article, Clauſe, Matter, and Thing therein contained, ſhall be, and hereby is continued, and to be and remain in full Force, to all Intents, Conſtructions, and Purpoſes whatſoever, from the Publication hereof, until the firſt Day of *January*, which will be in the Year One Thouſand Seven Hundred and Sixty-five.

Act continued.

CHAP. CLXXXIII.

An ACT *further to continue an Act, entitled,* An *Act for the deſtroying of* Wolves *and* Panthers *in the Counties of* Ulſter, Dutcheſs, *and* Orange.

See Chap. 30, ante.

Paſs'd the 24th December, 1759.

WHEREAS the Act for the deſtroying of *Wolves* and *Panthers* in the Counties of *Ulſter*, *Dutcheſs*, and *Orange*, paſſed in the Sixteenth Year of his Majeſty's Reign, and continued by ſeveral ſubſequent Acts, has been found uſeful:

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the ſaid Act ſhall be continued in full Force, 'till the firſt of *January*, which ſhall be in the Year One Thouſand Seven Hundred and Sixty Five.

Act continued.

CHAP.

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CHAP. CLXXXIV.

An ACT *to prevent Damages by* Swine *in the County of* Orange, *and ſome Parts of* Ulſter *County.*

Paſs'd the 24th December 1759.

WHEREAS ſeveral Acts have been paſſed for preventing Damages by *Swine*; which by Experience have been found beneficial: And as the laſt Act for that Purpoſe will expire the firſt Day of *January* next;

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That from and after the firſt Day of *January*, One thouſand ſeven hundred and ſixty, it ſhall, and may be lawful, for all, and every of the Inhabitants living in the County of *Orange*, and in the Townſhip of the *New Paltz*, and the Neighbourhood thereunto annexed, and in the Precincts of *Shawangunck*, *Walkill*, and *Highlands*, in *Ulſter County*, from Time to Time, and at all Times thereafter, during the Continuance of this Act, to take, keep, or impound, (in any Pound or Place, within the ſaid County of *Orange*, and in any Pound or Place in the Townſhip of the *New Paltz*, and the Neighbourhood thereunto annexed, and in the Precincts of *Shawangunck*, *Walkill* and *Highlands*,) all ſuch Swine, great or ſmall, which ſhall go at large, and get into their, or either of their Corn-Fields, Orchards, Gardens, Meadows, and other Incloſures, contrary to the true Intent and Meaning of this Act, until the Owner or Owners of ſuch Swine, ſhall pay, and ſatisfy, to the Perſon or Perſons who ſhall ſo take or impound them, the Sum of *Three ſhillings* for the Treſpaſs of every ſuch Swine, beſides the Damages ſuch Perſon or Perſons ſhall have ſuſtained, by Means or Reaſon of ſuch Treſpaſs or Treſpaſſes. Which Damages ſhall be aſcertained by any three Freeholders within the ſaid County, Town and Precinct, or the major Part of them.

Swine going at large in the ſeveral Places mentioned, made lawful to be pounded until the Owners ſhall pay 3 s. for the treſpaſs of every Swine;

II. **And be it further Enacted** *by the Authority aforeſaid*, That in Caſe the Owner or Owners of ſuch Swine ſo taken, kept or impounded as aforeſaid, ſhall, or will not, within Twenty-four Hours, after Notice of ſuch taking, keeping, or impounding, redeem his, her, or their Swine, by paying the Penalties impoſed by this Act, that in ſuch Caſe, it ſhall and may be lawful, for the Perſon or Perſons ſo taking and impounding ſuch Swine, to expoſe them to open Sale, to the higheſt Bidder; and the Money ariſing by ſuch Sale to diſpoſe of, the one Half to his, her, or their own proper Uſe, and the other Half to the Overſeers of the Poor of the Town, or Precinct where ſuch Sale ſhall happen, for the Uſe of the Poor within the ſame.

Which if not redeemed, to be ſold to the higheſt Bidder.

III. **And be it further Enacted**, That if the Owner or Owners of ſuch Swine impounded by Virtue of this Act, be not known, the Perſon impounding the ſame, ſhall advertiſe the ſaid Swine in the moſt publick Part of the Town or Precinct, for four Days; and if then the Owner ſhall not appear to redeem them, the ſaid Swine ſhall be ſold in the ſame Manner, as if Notice had been given, as above directed.

Four Days Notice to be given.

IV. THIS Act to continue and be in Force, from the firſt Day of *January* One thouſand ſeven hundred and ſixty, until the firſt Day of *January* One thouſand ſeven hundred and ſeventy, and no longer.

CHAP.

33d GEORGE II A. D. 1759.

CHAP. CLXXXV.

See Chap. 84, ante.

An ACT *to continue an Act, entitled,* An *Act to encourage the taking and deſtroying of* Wild-Cats *in the County of* Suffolk.

Paſs'd the 24th December, 1759.

BE it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby* Enacted *by the Authority of the ſame,* That the Act, entitled, *An* Act *to encourage the taking and deſtroying of* Wild-Cats *in the County of* Suffolk; paſſed in the Twenty-ninth Year of his Majeſty's Reign, ſhall be and hereby is continued; and every Clauſe, Article, Matter and Thing therein contained, Enacted to be, and remain of Force, from the firſt Day of *January* next, until the firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-five.

Act continued.

CHAP. CLXXXVI.

See Chap. 159, ante.

An ACT *further to continue an Act, entitled,* An *Act to reſtrain the feeding and burning the Graſs, and cutting the Timber on certain Beaches and Iſlands therein mentioned.*

Paſs'd the 24th December, 1759.

BE it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Act, entitled, *An* Act *to reſtrain the feeding and burning the Graſs, and cutting the Timber on certain Beaches and Iſlands therein mentioned*; paſſed in the Thirty-ſecond Year of his Majeſty's Reign, ſhall be, and hereby is continued; and every Clauſe, Matter, and Thing therein contained, Enacted to be and remain of Force, from the Thirtieth of *April* next, to the First Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-three.

Act continued.

CHAP. CLXXXVII.

† Chap. 890, Vol. 1.

An ACT *further to continue an Act, intitled,* † An *Act to encourage the deſtroying of* Wolves *in the County of* Albany.

Paſs'd the 24th December, 1759.

WHEREAS an Act, entitled, *An* Act *to encourage the deſtroying of* Wolves *in the County of* Albany; paſſed in the Twenty-fourth Year of His Majeſty's Reign, will expire by its own Limitation, on the firſt Day of *January* next: And the ſaid Act having been found by Experience to be very uſeful and beneficial to the ſaid County;

I. BE it therefore Enacted *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the above-mentioned Act, entitled, *An* Act *to encourage the deſtroying of* Wolves *in the County of* Albany; ſhall be and hereby is continued, and every Clauſe, Article, and Thing therein contained, to be and remain of Force, until the firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Seventy.

Act continued.

CHAP.

33d GEORGE II A. D. 1759.

CHAP. CLXXXVIII.

An ACT *to impower and enable the Mayor, Recorder, and Aldermen of the City of* New-York *for the Time being, or the major Part of them, to order the raising a Sum not exceeding* Twelve Hundred Pounds, *by a Tax on Estates real and personal in the said City.*

Obsolete.

Pass'd the 24th December, 1759.

CHAP. CLXXXIX.

An ACT *further to continue an Act, entitled,* An *Act to prevent Damages by* Swine *in* Dutchess *County.*

See Vol. 1. Chap. 809 which had expired 1 January 1750, & was revived by Chap. 891, 1 Vol.

Pass'd the 24th December, 1759.

Act continued.

BE it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same,* That *An* Act *to prevent Damages by* Swine *in* Dutchess *County*; passed in the Nineteenth Year of his present Majesty's Reign, and continued by a subsequent Act, but which will expire on the first Day of *January* next, shall be further continued in full Force, until the first of *January*, which shall be in the Year One Thousand Seven Hundred and Sixty Five.

CHAP. CXC.

33d GEORGE II. A. D. 1760.

An ACT *for levying, paying, and cloathing Two Thousand Six Hundred and Eighty effective Men, Officers included, for forming an Army of Twenty Thousand Men, with the Forces of the neighbouring Colonies, to reduce, in Conjunction with his Majesty's regular Troops,* Montreal, *and other Posts belonging to the* French *in* Canada; *for emitting Bills of Credit for the Sum of* Sixty Thousand Pounds, *and for sinking and cancelling the said Bills in short Periods.*

Pass'd the 22d March, 1760.

Preamble.

WHEREAS His Majesty hath been pleased to direct an Expedition against the *French*, by an Irruption into *Canada*, by an Army of Provincial Forces, in Conjunction with a Body of his Majesty's *British* Troops, in order to reduce *Montreal*, and all other Posts belonging to the *French* in those Parts: And this his Majesty's loyal Colony being heartily disposed to exert itself to its utmost, in assisting on this so great and interesting Occasion:

60,000 *l.* granted to his Majesty, to be raised by a Tax on Estates real and personal in the following Manner.

I. Be it therefore Enacted *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same,* That for and towards levying, paying and cloathing Two Thousand Six Hundred and Eighty effective Men, Officers included, to act in the said Expedition, with the Forces of the neighbouring Colonies, and a Body of his Majesty's *British* Troops, there be given and granted unto his Majesty, his Heirs and Successors, the Sum of *Sixty Thousand Pounds*; which shall be assessed, raised, and levied, upon the Estates, real and personal, of all and every the Freeholders, Inhabitants, and Residents within this Colony, and shall be collected and paid in Manner following, *that is to say*; The Sum of *Seven Thousand Five Hundred Pounds*, on or before the first Tuesday in *November*, in this present Year of our Lord One Thousand Seven Hundred and Sixty. The like

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Sum of *Seven Thouſand Five Hundred Pounds*, on or before the firſt Tueſday in *November*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-one. The like Sum of *Seven Thouſand Five Hundred Pounds*, on or before the firſt Tueſday in *November*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-two. The like Sum of *Seven Thouſand Five Hundred Pounds*, on or before the firſt Tueſday in *November*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-three. The like Sum of *Seven Thouſand Five Hundred Pounds*, on or before the firſt Tueſday in *November*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-four. The like Sum of *Seven Thouſand Five Hundred Pounds*, on or before the firſt Tueſday in *November*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-five. The like Sum of *Seven Thouſand Five Hundred Pounds*, on or before the firſt Tueſday in *November*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-ſix: And the like Sum of *Seven Thouſand Five Hundred Pounds*, on or before the firſt Tueſday in *November*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-ſeven. Which ſaid ſeveral Sums of *Seven Thouſand Five Hundred Pounds*, hereby appointed to be paid on the Days and Times above mentioned, ſhall be yearly raiſed, levied, and paid by the Freeholders, Inhabitants, and Reſidents in the ſeveral Cities and Counties within this Colony, during the Eight Years above mentioned, according to the Quotas and Proportions following, *that is to ſay*;

Yearly proportion of each County in ſaid Tax.

In the City and County of *New-York*, yearly, during the above mentioned Time, The Sum of *Two thouſand five hundred pounds*.

In the City and County of *Albany*, yearly, during the ſaid Time, the Sum of *One thouſand two hundred and fifty pounds*.

In *King*'s County, yearly, during the ſaid Time, the Sum of *Three hundred and twenty-three pounds*.

In *Queens* County, yearly, during the ſaid Time, the Sum of *Six hundred and ſixty-nine pounds ten ſhillings*.

In *Suffolk* County, yearly, during the ſaid Time, the Sum of *Five hundred and ſeventy-five pounds*.

In the County of *Richmond*, yearly, during the ſaid Time, the Sum of *Two hundred and three pounds*.

In the County of *Weſtcheſter*, yearly, during the ſaid Time, the Sum of *Six Hundred and ſixty-nine pounds ten ſhillings*.

In the County of *Ulſter*, yearly, during the ſaid Time, the Sum of *Five hundred and ſeventy-five pounds*,

In *Dutcheſs* County, yearly, during the ſaid Time, the Sum of *Five hundred and thirty-five Pounds*. And,

In the County of *Orange*, yearly, during the ſaid Time, the Sum of *Two hundred Pounds*.

II. AND, to the End the full Sum intended by this Act, may be effective and complete, Be it Enacted *by the Authority aforeſaid*, That over and above the ſeveral Quotas above mentioned, there ſhall be raiſed, aſſeſſed, levied and collected, the reſpective Sums following, *that is to ſay*, On the Quota for the City and County of *New-York*, the Sum of *Three Pence*, over and above every Pound, to be retained in the Hands of the ſeveral Collectors, as a Reward for their Trouble, in collecting and paying the ſame to the Treaſurer of this Colony. And on the Quotas for the City and County of *Albany*, and all the other Counties in this Colony, the Sum of *Eight Pence*, over and above every Pound: Out of which, the ſeveral Collectors may retain in their Hands, the Sum of *Six Pence*, on each Pound, for collecting and paying the ſame to the ſeveral County Treaſurers; and the remaining *Two Pence*, the County Treaſurers reſpectively

Allowance to the Collectors of ſaid Tax.

may

may retain in their Hands, as a Reward for their Trouble and Service, in receiving and paying the Monies arising by this Act, to the Treasurer of this Colony.

III. AND to the End that Assessments may be made in such convenient Time by the Assessors, that the Sums intended to be raised by this Act, may be collected and paid at the Times herein after mentioned and appointed, and that Assessments may be truly, equally, and impartially made, as of Right they ought to be, Be it Enacted *by the Authority aforesaid*, That the Mayor, Recorder, and Aldermen, of the City and County of *New-York*, or the greater Part of them, for the Time being, shall meet and assemble at the *City-Hall* of the said City, on the first Tuesday in *June*, in every Year, during the said Eight Years; and then and there issue their Warrants, to the several and respective Assessors of the said City and County, to take a true and exact Account of all the Estates, real and personal, of all the Freeholders, Inhabitants, and Residents, within the several Wards of the said City and County, for which they at the Time of issuing such Warrants, shall be Assessor, or Assessors, and true, equal, and impartial Assessments to make, and the same, at a Day in the said Warrants to be prefixed by the Mayor or Recorder, and Aldermen, or the major Part of them, then met to exhibit. And when the said Assessments are by the said Assessors compleated, and a full Account of the same fully cast up, according to the Pound Value of the said Estates, so that the Quota, with the Allowance for the City and County of *New-York*, be apparent and made known, then the said Mayor, Recorder, and Aldermen, or the major Part of them, shall issue their Warrants to the several and respective Collectors within the said City and County, to collect the Quota, with the Allowance by this Act directed, and that the same be paid unto the Treasurer of this Colony, on or before the first Tuesday in *November*, yearly, during the said Term of Eight Years.

In what Manner the Assessors of the City of *New-York* are to proceed in laying said Tax.

IV. AND that Assessments may be truly, equally, and impartially made and done, Be it Enacted *by the Authority aforesaid*, That every Assessor that shall be chosen and elected within the said City and County of *New-York*, during the Term aforesaid, shall before he enters upon the Performance of the Duty and Service required of him by this Act, take an Oath upon the Holy Evangelists of Almighty God, in the Words following, *to wit*. I *A. B, do swear, that I will well and truly, and impartially, and in due Proportion, according to the best of my Skill, Knowledge, and Understanding, assess and rate all the Freeholders, Inhabitants, and Residents of the Ward for which I am chosen Assessor*. Which Oath, the said Mayor, Recorder, and Aldermen, or the major Part of them so met, are hereby impowered, required, and directed to administer.

Assessors Oath.

V. AND for the effectual assessing, collecting, and paying the respective Quotas for the City and County of *Albany*, and all the other Counties in this Colony, together with the before mentioned Allowance to the Collectors, and County Treasurers, Be it Enacted *by the Authority aforesaid*, That the Supervizors of the said City and County, and of all the other respective Counties in this Colony, or the major Part of them, respectively shall meet on the first Tuesday in *June*, every Year, during the said Term of Eight Years; where the Majority of the Supervizors then met, shall cause the respective Quotas, and Allowances aforesaid, of each County, to be raised, assessed, levied, and collected, in the same Manner as the other necessary and contingent Charges thereof are; and the respective Collectors are hereby required and enjoined, to pay the respective Quotas to be by them collected, unto the respective County Treasurers, on or before the first Tuesday in *October*, yearly and every Year, during the said Term; and each of the said County Treasurers, are hereby enjoined

The Manner in which the other Counties are to be taxed.

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enjoined and required to pay the reſpective Quotas of their Counties, to the Treaſurer of this Colony, on or before the firſt Tueſday in *November*, then next following, during the ſaid Term.

Penalty on any Officer refuſing his Duty.

VI. **And be it further Enacted** *by the Authority aforeſaid*, That in Caſe any of the Collectors ſhall neglect, or delay to make their reſpective Payments to the reſpective County Treaſurers, for the Space of Three Months, next after the Times appointed by this Act, the ſaid County Treaſurers ſhall be, and hereby are enabled, directed, and required, to commence Actions in their own Names reſpectively, for the ſaid Sum, or Sums, or ſuch Part thereof as ſhall be then unpaid, in the County Court where ſuch Default ſhall happen, and proſecute the ſame to Effect. And in Caſe any of the County Treaſurers reſpectively, ſhall neglect their reſpective Duties herein, all ſuch Sum, or Sums of Money, ſhall be deemed, taken, and eſteemed, Aſſets in their Hands reſpectively, and they ſhall be charged therewith, as having received the ſame, by the Treaſurer of this Colony, who ſhall be, and he is hereby enabled, directed and required, in his own Name, to commence Actions for the ſame in the Supreme Court of this Colony, within one Month after ſuch Default made by any of the County Treaſurers reſpectively, and proſecute the ſame to effect. And in Caſe the Treaſurer of this Colony ſhall neglect his Duty herein, all ſuch Sum, or Sums of Money, ſo being unpaid, ſhall be deemed, taken, and eſteemed Aſſets in his Hands, and he ſhall be chargeable therewith, as if he had actually received the ſame. And in Caſe any of the Collectors of the City and County of *New-York*, ſhall neglect or delay making their Payments of the aforeſaid Tax, for one Month after the Time directed by this Act, the ſaid Treaſurer ſhall be, and hereby is enabled, directed and required, in his own Name to commence Actions againſt ſuch Defaulter or Defaulters, and proſecute the ſame to Effect; and in Default of ſuch Proſecution, the Money to unpaid ſhall be deemed, taken and eſteemed Aſſets in his Hands, as if he had actually received the ſame; any Law, Uſage, or Cuſtom, to the contrary notwithſtanding.

VII. **And be it Enacted** *by the Authority aforeſaid*, That ſuch Mayor, Recorder, Aldermen, Superviſors, Aſſeſſors, Collectors, or County Treaſurers reſpectively, within this Colony, as ſhall deny, refuſe, neglect, or delay to do, perform, and execute all, or any of the Powers, Duties, and Authorities by this Act required of him, or them, to be done, and ſhall thereof be lawfully convicted, in any of his Majeſty's Courts of Record in this Colony, he, or they, ſhall ſuffer ſuch Pains, by Fine, or Impriſonment, as by the Diſcretion of ſuch Court or Courts ſhall be adjudged.

60,000 l. in Bills of Credit, to be printed to anſwer the immediate Payments.

VIII. **And be it Enacted** *by the Authority aforeſaid*, That for making immediate Payment for the Services aforeſaid, Bills of Credit to the Value of *Sixty Thouſand Pounds*, be forthwith printed, made, and iſſued upon the Credit of the Money to be raiſed and levied by Virtue of this Act, and lodged in the Treaſury for that Purpoſe, *that is to ſay*, Two Thouſand and Five Hundred Bills of *Ten Pounds* each; Three Thouſand Bills of *Five Pounds* each; and Ten Thouſand Bills of *Two Pounds* each. And upon every and each of which Bills ſhall be impreſſed, on the Right Side thereof, the Arms of the City of *New-York*, and under the Arms in different Characters, theſe Words, *'Tis Death to counterfeit this Bill*. Which Bills ſhall be in the Forms following, *that is to ſay*, Two Thouſand Five Hundred of them thus,

Form of ſaid Bills.

By a Law of the Colony of New-York, *this Bill ſhall paſs current for* TEN POUNDS. New-York, *the Twenty-firſt Day of* April, *One Thouſand Seven Hundred and Sixty*.

Other

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Other three Thousand of them thus,
By a Law of the Colony of New-York, *this Bill shall pass current for* FIVE POUNDS. New-York *the Twenty-first Day of* April, *One Thousand Seven Hundred and Sixty*

And Ten Thousand of them thus,
By a Law of the Colony of New-York, *this Bill shall pass current for* TWO POUNDS. New-York *the Twenty-first Day of* April, *One Thousand Seven Hundred and Sixty*.

Which Bills shall be signed by Messieurs *John Bogert*, junior, *Robert G. Livingston*, *Elias Desbrosses*, and *John Van Horne*, or any three of them, and numbered by any one of them. And in Case of the Death of any of the said Persons, the said Bills shall be signed by the Survivors.

Signers of the Bills.

IX. **And be it Enacted** *by the Authority aforesaid*, That *Abraham De Peyster*, Esquire, the present Treasurer of this Colony, in whose Hands the Stamps of the Arms of the City of *New-York*, and the other Plates are deposited, shall, in the Presence of the Signers aforesaid, or the major Part of them, deliver unto *William Weyman*, the said Stamps and Plates, who is hereby appointed to print the said Bills, and on them to impress the said Arms and Plates; which when done, the said *William Weyman*, shall redeliver to the said Treasurer, the said Stamps and Plates, in the Presence of the Signers aforesaid, or the major Part of them; and the Receipt of the said Treasurer, shall be to the said Printer, a sufficient Discharge for the same. And the said Printer is hereby required and directed, to deliver to the Signers hereby appointed to sign the said Bills, every Bill of Credit by him printed; and shall, upon his Delivery of the said Bills, take an Oath in the Words following, *viz.*

The Stamps to be delivered to the Printer.

The Printer's Oath.

I A. B. *Do declare, that from the Time the Letters were set and fit to be put into the Press, for printing the Bills of Credit now by me delivered unto you, 'till the Bills were printed, and the Letters afterwards distributed into the Boxes, I went at no Time out of the Room in which the said Letters were, without locking them up, so that they could not be come at without Violence, a false Key, or other Art then unknown to me: And therefore, to the best of my Knowledge, no Copies were printed off but in my Presence; and that all the Blotters and other Papers whatsoever impressed by the said Letters, whilst set for printing the said Bills, to the best of my Knowledge, are here delivered unto you, together with the Stamps: And in all Things relating to this Affair, I have well and truly demeaned myself, according to the true Intent and Meaning of the Law in that Case made, to the best of my Knowledge and Understanding.* So help me GOD.

Which Oath, all or every of the Signers are hereby impowered, directed, and required to administer.

X. **And be it further Enacted** *by the Authority aforesaid*, That the Persons herein appointed to sign the said Bills of Credit, shall take an Oath before a Magistrate of the City of *New-York*, each of them, *Well and truly to perform what by this Act they are enjoined as their Duty, and will knowingly sign no more Bills of Credit than as by this Act is directed.* And if it shall happen that any supernumerary Bills shall be left after the said Number shall be delivered to the said Treasurer in Manner aforesaid, all such supernumerary Bills shall be burnt and destroyed by the said Signers, or the major Part of them, or by the Majority of the Survivors of them, in the Presence of the Treasurer of this Colony,

The Signers Oath.

XI. **And be it Enacted** *by the Authority aforesaid*, That the Bills of Credit enacted and appointed by this Act to be current, shall be received by the Treasurer of this Colony, in all public Payments, and for any Fund at any

The Currency of these Bills.

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Time in the Treaſury, and by any Perſon within this Colony, in all Caſes whatſoever, during the Time they are enacted to continue, and be as effectually current, as any other Bills of Credit made current in this Colony, by any Act of the Governor, Council, and General Aſſembly.

Felony without Benefit of Clergy. to counterfeit, &c. the ſaid Bills.

XII. **And be it Enacted** *by the Authority aforeſaid*, That if any Perſon or Perſons whatſoever, ſhall counterfeit any of the Bills of Credit made current by this Act, or ſhall alter any of the Bills made current as aforeſaid, ſo that they ſhall appear to be of greater Value than by this Act the ſame Bill or Bills ſo altered were enacted, ſigned, or numbered to paſs current for, or ſhall knowingly paſs, or give in Payment any of the Bills aforeſaid, ſo counterfeited or altered, every Perſon guilty of counterfeiting or altering any of the ſaid Bills as aforeſaid, or of knowingly paſſing and giving in Payment any ſuch counterfeit, or altered Bill, ſhall be guilty of Felony, and being thereof convicted, ſhall ſuffer the Pains of Death, without Benefit of Clergy. And though ſuch counterfeiting, altering, or knowingly paſſing counterfeit, or altered Bills, ſhall be done out of this Colony, yet any Grand Jury within the City and County of *New-York*, is hereby impowered to preſent the ſame, and to ſet forth in the Indictment, the Place where, by their Evidence, it appeared that the Fact was committed. Which Indictment is hereby declared good, notwithſtanding that the Place alledged be out of this Colony; and the petty Juries, on the Trials of all ſuch Iſſues, ſhall be returned from the Body of the City and County of *New-York*; any Law, Uſage, or Cuſtom to the Contrary notwithſtanding.

Limitation of the Currency of the Bills.

XIII. **And be it Enacted** *by the Authority aforeſaid*, That the Bills of Credit made, ſtruck, and iſſued, by Virtue of this Act, ſhall be and remain current, until the firſt Tueſday in *November*, which will be in the Year of Our Lord One Thouſand Seven Hundred and Sixty Eight.

The Treaſurer to uſe all Endeavours to exchange the Money collected by Virtue of this Act, or Bills made current by the ſame.

XIV. **And be it Enacted** *by the Authority aforeſaid*, That as the Money to be raiſed, levied, and collected, by Virtue of this Act, ſhall be paid into the Treaſury, the Treaſurer of this Colony for the Time being, ſhall be, and he is hereby directed and required, to uſe his utmoſt Endeavours to exchange the ſame for Bills of Credit made current by this Act; which Bills ſo procured, ſhall be kept in the Treaſury, ready to be cancelled in Manner as is directed in and by an Act, entitled, *An* Act *for the more effectual cancelling the Bills of Credit of this Colony*; paſſed in the Twenty-firſt Year of His Majeſty's Reign.

Certain Sums appropriated for the aforeſaid Services.

XV. **And be it Enacted** *by the Authority aforeſaid*, That of the Monies allotted by his Majeſty for this Colony, out of the Two Hundred Thouſand Pounds Sterling granted by Parliament for the Northern Colonies, there ſhall be, and hereby is appropriated, for the Services aforeſaid, the Sum of *Thirty thouſand Pounds*: And alſo of the Monies ariſen, or which may ariſe by Virtue of the three following Acts, *to wit*, An Act, entitled, *An* Act *for granting to His Majeſty the ſeveral Duties and Impoſitions on Goods, Wares and Merchandizes, imported into this Colony, therein mentioned.* An Act, entitled, *An* Act *for emitting Bills of Credit for the Payment of the Debts, and for the better Support of the Government of this Colony, and other Purpoſes therein mentioned.* And an Act, entitled, *An* Act *to reſtrain Hawkers and Pedlars within this Colony, from ſelling without Licence*; there ſhall be, and hereby is appropriated for the ſaid Services, the Sum of *Ten Thouſand Pounds*, to be applied as herein after directed; any Thing in the ſaid three Acts to the Contrary notwithſtanding.

[The Reſt of this Act relating to Services already done, was thought unneceſſary to be printed.]

CHAP.

CHAP. CXCI.

An ACT *to raiſe, levy, and collect a Sum not exceeding the Sum of* Five Hundred Pounds, *in* Weſtcheſter *County, towards finiſhing the Court-Houſe and Jail in the ſaid County, and other Purpoſes therein mentioned.*

Obſolete.

Paſs'd the 22d March, 1760.

CHAP. CXCII.

An ACT *to impower certain Perſons in the City of* London, *to receive the Quota that ſhall be allotted to this Colony by his Majeſty, out of the* Two Hundred Thouſand Pounds, *granted by Parliament for the Northern Colonies.*

Obſolete.

Paſs'd the 22d March, 1760.

CHAP. CXCIII.

An ACT *to enable the Supervizors of* Dutcheſs *County, to raiſe the Sum of* Six Hundred and Forty-two Pounds, *due from the ſaid County on the Act therein mentioned, and the further Sum of* Seventy Pounds, *for converting a Jury-Room into a Jail.*

Obſolete.

Paſs'd the 22d March, 1760.

CHAP. CXCIV.

An ACT *for paying and diſcharging ſeveral Sums of Money claimed as Debts of this Colony, and other Purpoſes therein mentioned.*

Private and Obſolete.

Paſs'd the 10th June, 1760.

CHAP. CXCV.

An ACT *to ſupply a Deficiency of the* Thirty Thouſand Pounds *therein mentioned.*

Obſolete.

Paſs'd the 10th June, 1760.

CHAP. CXCVI.

An ACT *to enable the Perſons therein named, to lay out a Road from the* Sterling Iron-Works, *acroſs the* High-Lands, *to* Haverſtraw Landing, *on* Hudſon's *River, in* Orange *County.*

Paſs'd the 10th June, 1760.

Preamble.

WHEREAS by the Petition of *William Hawkhurſt*, and others, intereſted with him in the ſaid *Sterling Iron Works*, and ſundry other Perſons inhabiting and holding Lands in the County of *Orange* aforeſaid, it appears that a Road leading from the ſaid Iron Works, acroſs the *High Lands* to the Landing at *Haverſtraw*, on *Hudſon's River*, is not only neceſſary to enable the Perſons intereſted in that uſeful Manufactory, to carry on the ſame to Perfection, but will tend to open a ſhort Communication with *Hudſon's River* aforeſaid, to the great Eaſe of thoſe of the Inhabitants of the ſaid County, whoſe Habitations are ſeated behind the ſaid Highlands, and to the manifeſt Improvement and Advantage of all that Part of this Colony;

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I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly; and it is hereby Enacted by the Authority of the ſame,* That it ſhall and may be lawful for *Henry Wiſner*, junior, Eſquire, *Charles Clinton*, Eſquire, and the ſaid *William Hawkhurſt*, or any two of them, and they, or any two of them, are hereby fully authorized and impowered, as Commiſſioners, at the proper Coſts and Charges of the aforeſaid Petitioners, and ſuch other Perſons as ſhall voluntarily contribute to the ſame, to lay out, clear, open, make and compleat a Publick Road, or Highway, not exceeding three Rods in Breadth, and on the ſhorteſt Courſe that conveniently may be, from the ſaid Iron Works, acroſs the Highlands, to the moſt convenient Landing Place at *Haverſtraw*, aforeſaid, on *Hudſon's River*. Which ſaid Publick Road, or Highway, when ſo laid out as aforeſaid, ſhall be recorded by the Perſons laying out the ſame, in ſuch Manner as by a certain Act of the Governor, Council, and General Aſſembly of this Colony, paſſed the Twenty ninth Day of *November*, in the Nineteenth Year of his preſent Majeſty's Reign, entitled, *An* Act *for the better clearing, regulating, and further laying out Publick Highways in* Kings *County*, Queens *County*, Richmond *County*, *and* Orange *County*, is directed, concerning the laying out, and recording of Highways, or Roads, in the ſaid ſeveral Counties.

Commiſſioners appointed to open a Road from Sterling Iron-Works to Haverſtraw.

II. **And be it further Enacted** *by the Authority aforeſaid,* That the ſaid publick Road, or Highway ſo to be laid out, cleared, opened, made, and compleated by Virtue of this Act, when and as ſoon as the ſame ſhall be ſo laid out and recorded as aforeſaid, ſhall then, and immediately thenceforward, be, enure, and continue a Publick Road, or Highway for all his Majeſty's Subjects, and all Perſons uſing, paſſing, and repaſſing the ſame for ever.

Which is to continue a Publick Road for ever,

III. **And be it further Enacted,** That the ſaid Road ſhall not be made a Publick, or County Charge, but ſhall always be kept in Repair by the Petitioners, and ſuch others as will voluntarily contribute thereto.

And to be kept in Repair by the Petitioners.

IV. **Provided always, and be it further Enacted,** That the Commiſſioners, and Overſeers of Highways for the Time being, for *Orange* County aforeſaid, elected, or to be elected, by Virtue of the afore recited Act, or any or either of them, ſhall not, at any Time or Times after the laying out and recording the ſaid publick Road, or Highway, hereby enacted, ſtop up, or in any wiſe obſtruct, or alter, or cauſe, or procure to be ſtopped up, obſtructed, or altered the ſaid Publick Road, or Highway hereby Enacted, any Power, Authority, Clauſe, Matter, or Thing, either in this, or the above recited Act, contained to the Contrary hereof in any wiſe notwithſtanding.

Proviſo.

CHAP. CXCVII.

Private and Obſolete.

An ACT *for paying* Two Thouſand Five Hundred Pounds, *for and towards the Relief of the poor Sufferers by the late Fire in the Town of* Boſton.

Paſs'd the 10th June, 1760.

CHAP. CXCVIII.

An ACT *to regulate the Practice of Phyſick, and Surgery in the City of* NEW-YORK.

Paſs'd the 10th June, 1760.

Preamble.

WHEREAS many ignorant and unſkilful Perſons in Phyſick and Surgery, in order to gain a Subſiſtence, do take upon themſelves to adminiſter Phyſick, and practiſe Surgery in the City of *New-York*, to the endangering

endangering of the Lives and Limbs of their Patients; and many poor and ignorant Persons inhabiting the said City, who have been persuaded to become their Patients, have been great Sufferers thereby. For preventing such Abuses for the future;

I. **Be it Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same,* That from and after the Publication of this Act, no Person whatsoever, shall practise as a Physician or Surgeon in the said City of *New-York*, before he shall first have been examined in Physic or Surgery, and approved of and admitted by one of his Majesty's Council, the Judges of the Supreme Court, the King's Attorney-General, and the Mayor of the City of *New-York* for the Time being, or by any three or more of them, taking to their Assistance for such Examination, such proper Person or Persons as they in their Discretion shall think fit. And if any Candidate, after due Examination of his Learning, and Skill in Physic or Surgery as aforesaid, shall be approved, and admitted to practise as a Physician, or Surgeon, or both, the said Examiners, or any three or more of them shall give, under their Hands and Seals, to the Person so admitted as aforesaid, a Testimonial of his Examination and Admission, in the Form following, *to wit*;

No Person to practise Physic and Surgery in the City of New-York, before he be duly examined; and a Testimonial given by his Examiners of their Approbation of him.

To all to whom these Presents shall come, or may concern:

KNOW YE, That we whose Names are hereunto subscribed, in Pursuance of an Act of the Lieutenant Governor, the Council, and the General Assembly, made and published at New-York, *the Day of in the Year of our LORD One Thousand Seven Hundred and entitled,* An *Act* to regulate the Practice of Physic and Surgery in the City of *New-York, have duly examined Physician, [or] Surgeon, [or] Physician and Surgeon, [as the Case may be] and having approved of his Skill, have admitted him as a Physician, [or] Surgeon, [or] Physician and Surgeon, to practise in the said Faculty, [or] Faculties throughout this Province of* New-York: *In Testimony whereof we have subscribed our Names, and affixed our Seals to this Instrument, at* New-York, *this Day of Anno Domini, One Thousand*

Form of the Testimonial.

II. **And be it further Enacted** *by the Authority aforesaid,* That if any Person shall practise in the City of *New-York*, as a Physician or Surgeon, or both as Physician and Surgeon, without such Testimonial as aforesaid, he shall, for every such Offence, forfeit the Sum of *Five Pounds*; One-half thereof to the Use of the Person or Persons who shall sue for the same, and the other Moiety to the Church-Wardens and Vestrymen of the said City, for the Use of the Poor thereof; the said Forfeiture to be recovered with Costs, before the Mayor, Recorder, or any one of the Aldermen of the said City, who are hereby impowered, in a summary Way, to hear, try and determine, any Suit brought for such Forfeiture, and to give Judgment, and to award Execution thereupon.

Persons practising either Faculty without such Testimony, to forfeit £. 5.

Provided, That this Act shall not extend to any Person or Persons administring Physic, or practising Surgery within the said City before the Publication hereof; or to any Person bearing his Majesty's Commission, and employed in his Service as a Physician or Surgeon.

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CHAP. CXCIX.

Altered and explained by Chap. 221. Amended, and the Penalty in 7th Sect. increased by Chap. 243.

An ACT *for regulating, clearing, and further laying out publick Highways throughout the City and County of* Albany.

Pass'd the 10th June, 1760.

Preamble.

ALTHO' all or most of the publick Highways are already laid out, and ascertained in the City and County of *Albany*, it may nevertheless be necessary to lay out some High-Roads in the said City and County, for the Conveniency of Carriages and Travellers:

Former Acts relating to Roads in the County of Albany repealed.

I. Be it therefore Enacted *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same*, That all Acts relating to the clearing and further or better laying out of Highways, so far as they relate to the City and County of *Albany*, shall be and hereby are repealed, and made null and void, to all Intents, Constructions and Purposes whatsoever; and that from and after the Publication, and during the Continuance of this Act, the Persons herein after named shall be, and hereby are appointed Commissioners to regulate Highways, and to lay out such other publick Roads as may still be necessary within the said City and County; and they, and each of them, are hereby authorized and impowered to put in Execution the several Services intended by this Act, in such Towns, Manors, and Places only for which they shall be respectively named and appointed; *that is to say*, For the Manor of *Livingston*, from the South Side of *Roeloff Janssen*'s Creek, to the Southermost Bounds of the said Manor, *Robert Livingston*, Esq; and *Casparus Schults*; and from the North Side of the said Creek to the Bounds of *Claverack*, *Robert Livingston*, junior, *Dirck Ten Brook*, *Jacob Decker*, and *Casparus L. Conyn*.

Commissioners appointed to lay out such other Roads in the said County, as may appear necessary.

For *Claverack*, from the South Bounds thereof to the Bounds of *Kinderhook*, *John Van Renselaer*, *Henry Van Renselaer*, and *Casparus Conyn*.

For *Kinderhook*, in the said County, from the Southermost Bounds thereof, through the Woods to *Green Bush*, including all the Inhabitants living above Half a Mile from *Hudson*'s River, although they belong to the Manor of *Renselaerwyck*, *Cornelius Van Schaick*, *Tobias Van Beuren*, *Barent Van Beuren*, and *Isaac Muller*.

For the East Side of the Manor of *Renselaerwyck*, to and from the Southermost Inhabitants of *Scotack* to *Green Bush* aforesaid, along the River Side, *Jacob Schermerhorn*, *Johannes Van Beuren*, and *Jeronimus Van Valkenburgh*.

For *Schaykook* to the House of *Cornelius Van Ness*, at the Half-Moon, *Johannes De Wandelaer*, *Peter Beneway*, and *Harme Knickerbacker*.

For *Saraghtoga*, on the West Side of the River, to the House of *Jacob Fort*, *Waldron Clut*, *Gerrit De Ridder*, and *Killian De Ridder*.

From the Half-Moon, to the North Part of the Manor of *Renselaerwick* to the City of *Albany*, *Gurt Van Schoonhove*, *Peter Schuyler*, and *Wynant Van Den Bergh*.

From *Sawyer*'s Creek, being the Southermost Bounds of the County of *Albany*, on the West Side of *Hudson*'s River, to the Southermost Bounds of the Manor of *Renselaerwyck*, *Jacob Ten Brook*, *Benjamin Debois*, and *Petrus Van Bergen*.

From the Southermost Bounds of the Manor of *Renselaerwyck* on the West Side of *Hudson*'s River, to the Bounds of the City of *Albany*, *Renselaer Nicol*, *John Barckly*, and *Garret Van Den Bergh*.

From the Road which leads from the City of *Albany* to *Schenectady*, unto the first *Sandy-Hill*, being about two Miles from the said City, the Mayor, Recorder, and Aldermen of the said City for the Time being.

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From the Townſhip of *Schenectady*, as far as the ſaid Townſhip extends, and the Roads which lead to *Albany* to the ſaid firſt *Sandy-Hill*, *Jacob Glen*, *Jacobus Van Slyck*, *Joſeph Yates*, jun. *Ryer Wimple*, and *Iſaac Vrooman*, Eſq;

From *Coniſtigione*, to the Mills at the Manor Houſe of *Stephen Van Renſelaer*, *Samuel Cryger*, *Cornelius Tymeſe*, and *Nicholas Fiſher*.

From *Niſkutha*, to the North Side of the *Norman's Kill*, *Gerrit Van Alen*, *Harme Van Derſee*, and *Tunis Slingerlandt*.

From *Schoharie* to the *Sthenectady* Road, including all the Inhabitants living in the Manor of *Renſelaerwyck*, within three Miles from the ſaid *Schoharie* Road, who are to work jointly with the Inhabitants of *Schoharie*, on the ſaid Road, from their reſpective Habitations, as far as to the *Schenectady* Road, *Johannes Lawyer*, jun. *Barent Vrooman*, jun. *Hendrick Hanes*, and *John Banker*.

From *Towerjone*, being the Weſtermoſt Bounds of the Townſhip of *Schenectady*, ſo along both Sides of the River to *Kagknawage* Creek, Sir *William Johnſon*, *Dowe Fonda*, and *Johannes Vrooman*.

From the ſaid *Kagknawage* Creek, Weſtward on both Sides of the River, ſo far as the *Chriſtian* Settlements now are, or hereafter ſhall be ſettled, *Marcus Petrie*, *Hendrick Felling*, *Harmanus Van Slyck*, *Cornelius Smith*, and *Harme Van Antwerpe*.

From a Place called *Stone Rabie*, to a Creek called *Oaindaes Creek*, *William Brown*, *Sufarinus Tyger*, and *Henderick Merker*.

From *Hoſſick* to the Houſe of *Jacob Vander Heyden*, *John Babteſt Van Renſelaer*, *Cornelius Hugh*, and *Abraham Ten Brook*.

From *Sinckhaick* to the Farm of *Dirck Vander Heyden*, *Gerrit Van Neſs*, jun. *Evert Wendell*, and *Johannes Becker*.

Which ſaid Commiſſioners in each Diſtrict, or the major Part of them, ſhall have full Power and Authority to apportion, lay out, and fix how far each Precinct, or Neighbourhood, ſhall repair and amend the ſaid Highways, where they are to begin, and where they are to leave off.

II. And be it Enacted *by the Authority aforeſaid*, That the Commiſſioners, or the major Part of them, in the reſpective Places for which they are named and appointed Commiſſioners, are hereby impowered and authorized, to regulate the Roads already laid out, and lay out ſuch other Publick Roads in the ſeveral Places for which they are appointed Commiſſioners, as to them, or the major Part of them, ſhall ſeem neceſſary and convenient; and if need be, to take a Review of the Roads already laid out; and ſuch of them as appear to be really inconvenient, the ſaid Commiſſioners ſhall, and may alter the ſame, provided all the Commiſſioners appointed for the Place, judge it abſolutely neceſſary; and to lay out ſuch other Publick Ways and Roads as they, or the major Part of them, ſhall think moſt convenient, as well for Travellers, as for the Inhabitants of the next adjacent Towns, Villages, or Neighbourhoods.

Commiſſioners impowered to alter Roads already laid out, and to lay out ſuch others as ſhall appear neceſſary.

Provided alſo, that nothing in this Act contained ſhall extend, or be conſtrued, to impower the Commiſſioners aforeſaid, to alter any Road that is already commodious, or to lay the ſame through incloſed or improved Lands, without either the Conſent of the Owners thereof, or paying the true Value of the Lands ſo laid out into an Highway: And if any Diſpute ſhall ariſe by that Means, the ſame ſhall be determined, and the true Value ſet and appraiſed by two Juſtices of the Peace, and by the Oath of Twelve of the principal Freeholders of the Neighbourhood, not having any Intereſt in the Lands about which ſuch a Diſpute may ariſe; the ſaid Freeholders to be ſummoned by any one of the Conſtables of each reſpective Town, Manor, or Precinct, by Virtue of a Warrant to be iſſued by the ſaid two Juſtices for that Purpoſe: And if the ſaid Roads, by the Commiſſioners ſo laid out, ſhall be publick Roads, and of public and general Benefit, then the Value of ſuch cleared and improved Lands, through which the

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ſaid

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ſaid Roads ſhall be laid out, ſhall be a public County Charge, and the Superviſors of the ſaid County are hereby directed to allow the ſame, together with the Charge of calling a Jury, their Verdict, and the whole Proceedings thereon had. But if the Roads ſo laid out ſhall be private Roads, and for the particular Convenience of one, or more Diſtricts, Townſhip, or Neighbourhood, or of one, or more particular Perſon, or Perſons, then ſuch private Perſons Townſhips, Diſtricts, or Neighbourhoods requiring the ſame, ſhall defray the whole Charge of the Value of the ſaid cleared, or improved Lands, to be paid to the Perſon, or Perſons injured, and through whoſe cleared, or improved Lands, a private Road ſhall be laid, together with the Wages of the Commiſſioners, the Charge of calling a Jury, and of their Verdict, and of the whole Proceedings thereon had.

The Roads where deep Snows happen to fall, to be broke up by Order of the Commiſſioners.

III. **And be it further Enacted**, *by the Authority aforeſaid*, That the Commiſſioners, reſpectively, of every Town, Manor, or Precinct, or any one of them, are hereby impowered, and directed, to order ſuch a Number of the Inhabitants, of each reſpective Town, Mannor, or Precinct, aforeſaid, with their Sleds and Horſes, as they, the ſaid Commiſſioners, or any one of them ſhall think ſufficient, and proper, to break up the Roads where deep Snows happen to fall; and if any Perſon, or Perſons, being ordered as aforeſaid, ſhall refuſe to break up the ſaid Road, ſuch Perſon, or Perſons, ſhall forfeit the Sum of *Nine Shillings*, for every Day they ſhall ſo neglect, or refuſe ſaid Service, to be levied by the Conſtable in each Town, Manor, or Precinct, by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant from any one of the Commiſſioners, for the reſpective Places for which they are hereby appointed, returning the Overpluſs of ſuch Sale, to the Owner, or Owners, if any there be, the Conſtable to be firſt paid, for his Pains and Trouble, out of the Diſtreſs, as is common in other Caſes; and the ſaid Forfeiture of *Nine Shillings*, ſhall be applied for repairing the public Roads, or Highways, within the Town, Manor, or Precinct, where ſuch Forfeiture ſhall ariſe.

Penalty for Neglect in thoſe ordered to break them up.

Dimenſions of the Carts and Carriages to be uſed in the County of Albany.

IV. **And be it Enacted** *by the Authority aforeſaid*, That all Waggons, Carts or other Carriages, which ſhall be uſed in any of the Highways in the County of *Albany*, ſhall be ſo made, that the ſquare between the Rutt, or Track which they ſhall make, ſhall be from the Outſide of the one Wheel, to the Outſide of the other Wheel, Four Feet and Ten Inches, Engliſh Meaſure, and no more, or no leſs, upon the Penalty of *Twenty Shillings* current Money of this Colony; to be recovered before any of his Majeſty's Juſtices of the Peace, where the Fault ſhall happen to be committed, at the Suit, and to the Benefit of them, or him that ſhall inform and ſue for the ſame.

Penalty for a larger or leſs ſize.

Penalty for Perſons ſtopping up, or leſſening any Road laid out according to Law.

V. **And be it further Enacted** *by the Authority aforeſaid*, That if any Perſon, or Perſons, within the ſaid City and County, do, or hereafter ſhall, without the Conſent of the Commiſſioners, or the major Part of them, for the Town, Manor, or Place, for which they are by this Act appointed Commiſſioners, alter, ſtop up, or leſſen any Highway, or Road, that has heretofore been laid out by former Commiſſioners, according to Law, or ſhall hereafter be laid out, by the Commiſſioners named in this Act; ſuch Perſon ſo offending contrary to the Meaning of this Act, ſhall for every ſuch Offence, forfeit the Sum of *Five Pounds*; to be recovered before any Juſtice of the Peace, upon the Oath of any one credible Witneſs, and levied by Warrant from any Juſtice of the Peace, directed to the Conſtable of the Town, Manor, or Precinct where ſuch Offence ſhall be committed, by diſtraining the Goods and Chattels of the Offender. And the ſaid Conſtable, after ſix Days public Notice given by him, of the Time, for Sale of ſaid Diſtreſs, ſhall make Sale thereof, and out of the Produce

Produce, pay the ſaid Forfeiture and Charges, and return the Overplus, if any there be, to the Owner, or Owners: Which ſaid Forfeiture of *Five Pounds*, ſhall be applied by the Surveyors of the Highways, for, and towards repairing the publick Roads, or Bridges, within the Precinct where ſuch Forfeiture ſhall ariſe.

VI. **And be it further Enacted**, *by the Authority of the ſame*, That if any Common public Road, or Highway, ſhall be laid through any Meadow-Ground, or Corn-Fields, the Breadth of the ſaid Road, ſhall be left to the Diſcretion of the Commiſſioners, or the major Part of them, for the Towns, Manors, or Places, where ſuch Road ſhall run, as aforeſaid, provided ſuch Road do not exceed Twenty Foot.

Breadth of Roads, thro' Corn-Fields, &c. left to the Diſcretion of the Commiſſioners.

VII. **And be it further Enacted** *by the ſaid Authority*, That the Inhabitants of the reſpective Towns, Manors, or Precincts, by and through which any common public Highways, or Roads, have, or ſhall run, or be hereafter aſcertained, or laid out, ſhall be, and hereby are obliged, to clear and maintain the ſame, by cutting and ſtubbing up the Bruſh, and lopping off the Limbs of the Trees that hang over the ſaid Roads, the Breadth of two Rods, and pulling up the Stones that can be moved, and to carry them out of the Road, at leaſt the Breadth of one Rod; and ſo often as they, or any of them, ſhall have Notice from any one of the reſpective Commiſſioners, Surveyors, or Overſeers of the Highways, for the Time being, they ſhall in their Turns, either by themſelves, or by able Slaves, or Servants, clear, level, and amend the Highways, not exceeding ſix Days in the Year, (except the Inhabitants of *Schoharie*, and ſuch others as are hereby before directed, to work on the *Schoharie* Road, whom the Commiſſioners hereby appointed before, for that Purpoſe, are authorized to order to work on the ſaid Road, for the Space of eight Days, if the ſaid Commiſſioners ſhall judge it requiſite) under the Penalty of *Three Shillings* for each Day every ſuch Perſon, or Perſons ſhall neglect, or refuſe ſuch Service, to be levied by the Conſtable in each Town, Manor, or Precinct, by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrants from the Surveyors, or Overſeers of the Highways, or any one of them, for the Time being, in each reſpective Town, Manor, or Precinct, where ſuch Offence ſhall be committed, returning the Overplus of ſuch Sale, if any be, to the Owner, or Owners, the Conſtable being firſt paid for his Pains and Trouble, out of the Diſtreſs and Sale, as is uſual in other Caſes.

Inhabitants of the reſpective Towns, &c. thro' which the Roads run, obliged to keep them clear.

The Penalty.

VIII. **Provided always, and it is hereby further Enacted** *by the Authority aforeſaid*, That all Trees ſtanding, or lying in any Perſons Lands, through which any common Public Highway is, or ſhall be laid out, be for the proper Uſe of the Owner, or Owners of the ſame: But the ſaid Owners ſhall not hinder the Public from making Uſe of ſo much Timber, which is ſtanding or lying on that Road as will amend the ſaid Highway, or Bridges, running through the ſame Land.

Trees ſtanding on any Road to be made uſe of in the mending the ſame, Bridges, &c.

IX. **And be it alſo Enacted** *by the ſame Authority*, That where any Highway from any Town or Neighbourhood, to any Mills, Meadows, Watering, or common Landing-Places, ſhall run through any particular Perſons Ground, it ſhall and may be lawful for any ſuch Perſon or Perſons, by and with the Approbation of any two Commiſſioners for ſuch Town, Manor, or Place, to hang good Swinging Gates on ſuch Highways, and keep them in Repair at their own Coſts, provided no Road leading unto, or out of any Woods, Plains, or Commons, where the Cattle belonging to any Town or Village uſually paſs through to or from the Common or Feeding Grounds, be clogged or hindered

Swinging Gates to be erected at the Coſt of, and kept in Repair by the Perſons through whoſe Ground the Roads ſhall run.

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by any Swinging Gates as aforeſaid, unleſs by the Conſent of the major Part of the Inhabitants of ſuch Town or Village; and the ſeveral Gates already ſtanding and allowed, may or ſhall be approved and continued, or altered, as the Commiſſioners herein reſpectively appointed, ſhall judge moſt convenient; and the ſame Highway ſhall be amended and maintained by the Inhabitants only of every Town, Manor, or Precinct where ſuch Way may run.

Penalty for Perſons leaving open any Swinging Gates, and to pay all Damages by their riding over Corn-fields, &c.

X. **And be it further Enacted** *by the Authority aforeſaid*, That in caſe any Perſon or Perſons ſhall ſtake, or ſhore open any ſuch Gate or Gates as aforeſaid, or otherwiſe ride over, or through any Lands, Meadow Ground, or Corn-fields, to the Damage of the Owners thereof, ſuch Perſon or Perſons ſhall, for every ſuch Offence, forfeit the Sum of *Twenty Shillings*; to be recovered and applied by the Surveyors of the Highways in each reſpective City, Town, Manor, or Precinct, where ſuch Offence ſhall be committed, towards repairing the Public Highways or Roads, and pay all ſuch Damages, with Coſts, the Owner of the Soil, or Tenant, ſhall ſuffer or ſuſtain thereby, as ſhall be ordered and awarded by a Juſtice of Peace, reſiding neareſt to the Place where ſuch Offence ſhall be committed; and the Determination of ſuch Juſtice ſhall be final and concluſive therein.

Every Cart, &c. eſteemed in Lieu of two Days work of one Man.

XI. **And be it further Enacted** *by the Authority aforeſaid*, That if the Overſeers of the Highways and Roads ſhall think fit, and have Occaſion of any Team, Cart or Waggon, and a Man to manage the ſame, the ſaid Team, Cart, or Waggon, ſhall be eſteemed to be in Lieu and in Stead of two Days Work of one Man, and the Fine to be proportionable, that is, double to the Fine to be impoſed for the Neglect of one Perſon; and every working Man ſhall be obliged to bring ſuch Tools, as Spades, Axes, Crows, Pickaxes, or other Utenſils, as ſhall be directed by the Overſeers of the Highways.

Commiſſioners dying, refuſing to act, &c. others to be appointed.

XII. **And be it further Enacted** *by the ſaid Authority*, That if any of the ſaid Commiſſioners herein appointed, ſhall neglect, refuſe, or delay to put the ſeveral Clauſes in Execution, which are mentioned and expreſſed as their Duty in this Act, if thereunto required, or ſhall happen to die, or remove out of the Town, Manor, or Places for which he or they are appointed Commiſſioners, it ſhall and may be lawful for the Juſtices of the Peace, in the Seſſions held for the ſaid County, to appoint in his or their Stead, another Commiſſioner or Commiſſioners, in ſuch Place or Places where ſuch Refuſal, Neglect, Death, or Removal, ſhall ſo happen, and the Commiſſioner or Commiſſioners ſo appointed, ſhall be under the ſame Reſtrictions, and have the ſame Power and Authority as thoſe named by this Act.

Roads laid out by Virtue of this Act, to be recorded by the Clerk of the Peace.

XIII. **And be it further Enacted** *by the Authority aforeſaid*, That the Commiſſioners of each reſpective Town, Manor, Place or Places for which they are reſpectively appointed, ſhall, from Time to Time, during the Continuance of this Act, enter in Writing, all the Highways or Roads by them laid out, altered, or ſtopt up, and ſign the ſame, by putting their Names thereto, and cauſe the ſame to be entered in the County Records, by the Clerk of the Peace, who is hereby directed and required to record the ſame; and whatſoever the ſaid Commiſſioners ſhall do, according to the Power given them in this Act, being ſo entered in the County Records, ſhall be deemed valid and good, to all Intents and Purpoſes whatſoever.

Commiſſioners Reward.

XIV. **And be it further Enacted** *by the ſame Authority*, That each Commiſſioner appointed or to be appointed by Virtue of this Act, ſhall have, take, and receive a Sum not exceeding *Three Shillings*, each Day, as a Reward for

his and their Care and Trouble, in laying out and regulating the Highways in the reſpective Towns, Manors, and Places, for which they ſeverally are appointed: Which ſaid Reward or Wages, ſhall be defrayed by ſuch Perſon or Perſons as ſhall require the Service of ſuch Commiſſioners.

How a certain Road is to be maintained.

XV. **And it is hereby Provided**, That if the Inhabitants of *Oyatack*, who live to the Eaſtward of the Manor of *Living ſton*, ſhall uſe the Road that goes from the Eaſtward Bounds of the ſaid Manor, to the general Landing-Place to *Hudſon*'s River, that they be obliged to help to maintain and keep the ſaid Road in Repair, as the Inhabitants of *Taghanick* are obliged to do.

Surveyors neglecting, &c. to warn Perſons to mend and repair the Roads, fineable 40s.

XVI. **And be it further Enacted** *by the Authority aforeſaid*, That upon the ordering of any one or more of the Juſtices of the Peace, or any one or more of the Commiſſioners within the Town, Manor, or Precinct, for which he, or they are appointed as aforeſaid, the Surveyors of the Town, Manor, or Precinct, ſhall within Eight Days thereafter, warn, and ſet to work, the reſpective Inhabitants, to mend and repair the King's Roads and Bridges, which by Law and Cuſtom they are obliged to repair; and if the Surveyor, or Surveyors, ſhall neglect or refuſe to warn, and ſet to work the Inhabitants as aforeſaid, and ſee the ſaid Bridges and Highways amended and repaired, ſuch Surveyor or Surveyors ſhall, for every ſuch Neglect, or Refuſal, forfeit and pay a Fine of *Forty Shillings*, to be adjudged by, and recovered before any Juſtice of the Peace of the ſaid County, upon the Oath of any one Witneſs, or on the View of ſuch Juſtice, or on the View of any one of the Commiſſioners, within his or their Diſtrict, in the common and uſual Method: Which Fine ſhall be applied towards repairing the ſaid Highways, or Roads, in ſuch Town, Manor, or Precinct, wherein the Fine did ariſe.

Commiſſioners to lay out ſuch Roads only as are neceſſary, from one Diſtrict to another.

XVII. **Provided Always, and it is hereby Enacted** *by the Authority aforeſaid*, That where the Inhabitants of a ſmall Neighbourhood, or Plantation, ſhall deſire to have Public Roads laid out, the Commiſſioners aforeſaid, ſhall not be allowed to lay out ſuch, and ſo many Roads, as the ſaid Inhabitants may be deſirous to have; but only one Public Way, leading from ſuch Neighbourhood to the neareſt Public, or High Road from whence they can travel, or tranſport Goods to other Towns, or landing Places: And where it ſhall be neceſſary to lay out a Road, from one Diſtrict, as they are in this Act, joined to another Diſtrict, the Commiſſioners of both Towns, Manors, or Places are to meet, and conſult, where ſuch Roads can be laid out, in the beſt and ſtreighteſt Manner, and to lay out the ſame accordingly, to the End ſuch Roads may not only correſpond with each other, but be laid, and carried on in the moſt convenient and ſhorteſt Manner the Nature of the Land will allow.

A new Road to be run from Schenectady to Albany.

XVIII. AND whereas the Inhabitants of the Townſhip of *Schenectady*, have by long Experience, found it very prejudicial to make Uſe of but one Road to the City of *Albany*, both with Waggons and Sleds, which cauſes the ſaid Road to be often out of Repair, and makes the Ruts thereof very deep, ſo that it's difficult to make Uſe of it in Winter with a Sled. And whereas the Nature of the Ground between *Albany* and *Schenectady*, will admit to lay out a new Road on a ſtreight Line, and without doing any Damage to improved Lands; **Be it Enacted** *by the Authority aforeſaid*, That it ſhall and may be lawful for the Commiſſioners appointed for the ſaid Townſhip, or the major Part of them, and they are hereby required and directed to employ a Surveyor, and two other Men, to run a Line from the ſaid Town to the ſaid City of *Albany*; and the ſaid Surveyor, and the two Men ſo employed to run the ſaid Line, to be paid in like Manner, by the Inhabitants of the ſaid Townſhip of *Schenectady*, as all the

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the other public and neceſſary Charges of the ſaid Town are paid. And the ſaid Commiſſioners are hereby farther required and directed to lay out a new Road, as near the ſaid Line ſo to be run, as the Nature of the Ground will admit, on or before the firſt Day of *December*, in the Year One Thouſand Seven Hundred and Sixty-two; which ſaid Road ſo laid out, ſhall be made, cleared, amended, and kept in Repair, by ſuch of the Inhabitants of the ſaid Townſhip as do keep Horſes and Sled. And if the Commiſſioners, or the major Part of them, ſhall neglect, refuſe, or delay to put this Clauſe in Execution, ſuch Commiſſioner or Commiſſioners, ſhall reſpectively forfeit and pay the Sum of *Five Pounds*, to any Perſon that ſhall ſue for the ſame before any of his Majeſty's Juſtices of Peace; which ſaid Money ſhall be applied towards laying out and mending the ſaid Road.

Perſons uſing Wheel-Carriages on the aforementioned Road to forfeit 20 *ſhillings*.

XIX. And to the End, the Good hereby intended, may not be fruſtrated, Be it Enacted *by the Authority aforeſaid*, That if any Perſon, or Perſons ſhall preſume to uſe the ſaid Road, with a Waggon, or any other Wheel-Carriage, he, ſhe, or they ſo offending, ſhall forfeit the Sum of *Twenty Shillings* for every ſuch Offence, to be recovered before any one Juſtice of the Peace in the ſaid County, upon the Oath of one credible Witneſs: Which Forfeiture ſhall be applied, one Half to the repairing the ſaid Road, and the other Half for the Uſe of the Informer. This Act to be in Force from the Time of its Publication, until the firſt Day of *January*, One Thouſand Seven Hundred and Seventy.

CHAP. CC.

An ACT *to oblige the Supervizors of the City and County of* Albany, *to take an Oath before they enter upon the Execution of their Office; and for altering the Time of the annual Meeting of the Inhabitants of* Scohary, *in the ſaid County.*

Paſs'd the 10th June, 1760.

Supervisors of the City and County of *Albany*, to take an Oath before they enter upon the Execution of their Office.

BE it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby* Enacted *by the Authority of the ſame*, That every Supervizor who ſhall be choſen and elected in the ſaid City and County of *Albany*, after the Publication of this Act, ſhall, before he enters upon the Execution of his Office, take an Oath upon the Holy Evangeliſts of Almighty GOD, in the Words following, *to wit*;

The Oath,

I A. B. *do ſwear, that I will, well, truly, and impartially, and to the beſt of my Underſtanding, cauſe the Quotas of the Public Taxes, as well as the contingent Charges of the City and County of* Albany; *to be raiſed, levied, collected, and paid, in ſuch Manner, that the ſame, as near as may be, be equally borne and paid by the Inhabitants of each reſpective City, Town, Manor, Precinct, or Diſtrict, in the ſaid County:* So help me GOD.

to be adminiſtred by a Juſtice of the Peace.

Which Oath any one of his Majeſty's Juſtices of the Peace for the ſaid City or County, is hereby authoriſed, directed, and required to adminiſter, and to give a Certificate under his Hand and Seal of having adminiſtred the ſame: Which Certificate ſhall be filed with the Clerk of the Superviſors at their firſt Meeting next after their having being qualified as aforeſaid; any Thing to the Contrary hereof in any wiſe notwithſtanding.

Superviſors firſt choſen, and refuſing to take the Oath to forfeit 5*l*.

II. And be it Enacted *by the Authority aforeſaid*, That in caſe any of the Superviſors ſo to be choſen and elected as aforeſaid, ſhall, after their being choſen and elected, refuſe to take the ſaid Oath, he or they ſo refuſing, ſhall forfeit and pay the Sum of *Five Pounds*; to be recovered before any one of his Majeſty's

Majesty's Justices of the Peace of the said City or County, by any Person who shall, or will prosecute the same to Effect, one Half of which Fine, to be for the proper Use and Behoof of the Person prosecuting as aforesaid, and the other Half for the Use of the Poor of the said City and County.

III. **And be it further Enacted** *by the Authority aforesaid*, That it shall and may be lawful, for the Freeholders and Inhabitants of the said City and County upon any such Refusal made by any of the Supervisors as aforesaid, and they are hereby directed and required, as soon as may be thereafter, to chuse and elect another Supervisor, or Supervisors, in the Place and Stead of him, or them so refusing to be qualified as aforesaid; which Supervisor, or Supervisors so to be chosen, shall, and he, or they, are hereby directed and required, to take the Oath, and qualify him or themselves, in Manner herein before directed.

And the Inhabitants to chuse another.

IV. **And whereas** it is very inconvenient for the Inhabitants of *Schohary* in the said County, to hold their annual Meetings on the First Tuesday in *April*, by Reason of the Roads being at that Season of the Year very deep, and scarce passable; **Be it further Enacted** *by the Authority aforesaid*, That it shall and may be lawful, to and for the said Inhabitants, after the Publication of this Act, to hold their annual Meetings, on the First Tuesday in *May*, instead of the First Tuesday of *April*: Any Law, Usage, or Custom, to the Contrary notwithstanding.

Alteration of the Meetings at *Schoharie*, to the first Tuesday in *May*.

CHAP. CCI.

An ACT *to revive an Act, entitled,* * An *Act for the better Relief of the Poor in* Dutchess *County.*

* 1 Vol. 754.

Pass'd the 10th June, 1760.

WHEREAS an Act, entitled, *An* Act *for the better Relief of the Poor in* Dutches *County*, passed in the Seventeenth Year of his present Majesty's Reign, and continued by a subsequent Act, expired the Twenty-fifth Day of *January* last past: And the same having been found useful,

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby* **Enacted** *by the Authority of the same*, That the above-mentioned Act, entitled, *An* Act *for the better Relief of the Poor in* Dutchess *County*, shall be, and hereby is revived, and continued in full Force, until the first Day of *January*, which will be in the Year of Our Lord One thousand seven hundred and seventy.

Act revived.

CHAP. CCII.

An ACT *to revive an Act, entitled,* An *Act further to impower the Justices of the Peace in the County of* Albany, *living and dwelling in the Town of* Schenectady, *in the said County, to drain the Water out of the Streets thereof, with an Addition thereto.*

See Chap 28, ante.

Pass'd the 10th June, 1760.

WHEREAS an Act, entitled, *An* Act *further to impower the Justices of the Peace in the County of* Albany, *living and dwelling in the Town of* Schenectady, *in the said County, to drain the Water out of the Streets thereof,*

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passed in the Twenty-seventh Year of his Majesty's Reign, hath expired by its own Limitation, on the first Day of *January* last: And the said Act, having by Experience, been found to be very useful and beneficial in the said Town;

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby* **Enacted** *by the Authority of the same,* That the above-mentioned Act, entitled, *An* Act *further to impower the Justices of the Peace in the County of* Albany, *living and dwelling in the Town of* Schenectady, *in the said County, to drain the Water out of the Streets thereof,* shall be, and hereby is revived, and shall be, and remain in Force, from the Publication hereof, to the first Day of *January*, which will be in the Year of our Lord One thousand seven hundred and seventy.

Act revived.

II. **And be it further Enacted** *by the Authority aforesaid,* That the said Justices of the Peace in the County of *Albany*, living, or dwelling in the Township of *Schenectady*, aforesaid, or the major Part of them, are hereby impowered and directed, within a reasonable Time, not exceeding Three Years, from and after the first Day of *May* next, to order and direct all and every of the Inhabitants of the said Town, to level the Streets of the said Town, and to dig out the Middle thereof, so that the same have a sufficient Descent, to carry the Water from each Side to the Middle thereof, and so to empty itself at the first convenient Place or Places, and to pave both Sides of the Streets before their respective Houses, and Lots of Ground in the said Town, now within the Stockades, and the South Street without the Stockadoes, on both Sides, from the Stockadoes to the Houses of *Ahasurus Marselius*, and *Jacob S. Vrooman*, the said Pavements not to exceed in Breadth in no Place above ten Feet, nor less than six Feet, as the said Justices in their Discretion shall think fit. And if any Person, or Persons inhabiting within the said Town, or others having Houses, or Lots of Ground within the same, shall refuse, neglect, or delay, to yield Obedience to the Orders and Directions of the said Justices, in that Behalf to be given, every such Person, and Persons, shall forfeit the Sum of *Forty Shillings*, current Money of this Colony, for every Months's Disobedience, Refusal, Neglect, or Delay, to be recovered before any of His Majesty's Justices of the Peace, and applied to the Use of paving the aforesaid Streets. And in Case the aforesaid Justices neglect, refuse, or delay, to put this Act in Execution, so that the Streets in the said Town of *Schenectady* be not paved as aforesaid, within the Space and Time of Three Years as aforesaid, that then and in such Case, each and every of them, so neglecting, refusing, or delaying, to put this Act in Execution, as aforesaid, shall forfeit the Sum of *Twenty Pounds*, current Money of this Colony, to be recovered in his Majesty's Court of common Pleas, to be held for the City and County of *Albany*, by any Person that shall sue for the same, and be applied to, and for the paving of the Streets in the Town of *Schenectady*, as aforesaid.

Streets in the Township of *Schenectady* to be levell'd and pav'd, by the Inhabitants at the Order of the Magistrates of the City and County of *Albany*.

Disobedience of Orders, fineable 40 *Shillings*.

Justices neglecting their Duty herein forfeit 20 *Pounds*.

CHAP. CCIII.

An ACT *to revive an Act entitled* † An *Act to impower the Justices of the Peace of the County of* Albany, *living or dwelling in the Township of* Schenectady, *in the said County, to regulate the Streets and Highways, and to prevent Accidents by Fire in the said Town.*

† 1 Vol. Chap. 188.

Pass'd the 10th June, 1760.

WHEREAS an Act, entitled, *An* Act *to impower the Justices of the Peace of the County of* Albany, *living or dwelling in the Township of* Schenectady, *in the said County, to regulate the Streets and Highways, and to prevent Accidents*

Accidents by Fire, in the said Town, passed in the Thirteenth Year of his late Majesty's Reign, did expire on the First Day of *January* last: And the said Act, having been found by Experience, to be very useful and beneficial in the said Town;

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I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby* **Enacted** *by the Authority of the same,* That the above-mentioned Act, shall be, and hereby is revived, and every Clause, Article, and Thing therein contained, **Enacted** to be and remain of Force, from the Publication hereof, until the First Day of *January*, which will be in the Year of our Lord One Thousand Seven Hundred and Seventy.

Act revived.

JAMES DE LANCEY, *Esq; the Lieutenant Governor, dying on the 30th* July, 1760, *the Chief Command of this Province devolved upon Mr.* COLDEN, *the Person first named of the Council in His Majesty's Instructions to the Governor.*

CADWALLADER COLDEN, Esq; President.

The Twenty-first ASSEMBLY.

1st GEORGE III. 1760.

SECOND SESSIONS.

CHAP. CCIV.

An ACT *further to continue an Act, entitled,* An *Act for granting to his Majesty the several Duties and Impositions on Goods, Wares, and Merchandizes imported into this Colony, therein mentioned.*

See Chap. 168.

Pass'd the 8th November, 1760.

WHEREAS the several Duties and Impositions on Goods, Wares, and Merchandizes imported into this Colony, and granted for the Support of his Majesty's Government by the above-mentioned Act, have, by several subsequent Acts, been continued to the first Day of *January* next: And the General Assembly being willing to make Provision for the further Support thereof;

I. **Be it therefore Enacted** *by his Honour the President, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same,* That the above-mentioned Act, entitled, *An* Act *for granting to his Majesty the several Duties and Impositions on Goods, Wares, and Merchandizes imported into this Colony, therein mentioned*; passed in the Twenty-seventh Year of his Majesty's Reign, shall be, and hereby is continued; and every Clause, Matter, Article, and Thing therein contained, Enacted to be and remain in Force, to all Intents, Constructions and Purposes whatsoever, from the said first Day of *January* next, until the first Day of *January*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty-two, both Days inclusive.

Act continued.

CHAP.

1st GEORGE III A. D. 1760.

CHAP. CCV.

Private.

An ACT *for the Payment of the Salaries and Services of the ſeveral Officers of the Government, to the firſt Day of* September *One Thouſand Seven Hundred and Sixty-one.*

Paſs'd the 8th November 1760.

CHAP. CCVI.

See Chap. 170. continued by Chap. 234. poſt.

An ACT *to continue an Act, entitled,* An *Act for regulating the Militia of the Colony of* New-York, *together with the ſeveral Acts therein mentioned, reſpecting the regulating the Militia.*

Paſs'd the 8th November, 1760.

BE it Enacted *by his Honour the Preſident, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Act aforeſaid, entitled, *An* Act *for regulating the Militia of the Colony of* New-York; paſſed in the Twenty-eighth Year of his Majeſty's Reign: As alſo one other Act, entitled, *An* Act *to continue an Act, entitled,* An *Act for regulating the Militia of the Colony of* New-York, *with ſome Additions thereto*; paſſed in the Twenty-ninth Year of his Majeſty's Reign: As alſo one other Act, entitled, *An* Act *to amend an Act, entitled,* An *Act for regulating the Militia of the Colony of* New-York; paſſed in the Thirtieth Year of his Majeſty's Reign: And likewiſe one other Act, entitled, *An* Act *further to continue an Act, entitled,* An *Act for regulating the Militia of the Colony of* New-York, *together with the two Acts therein mentioned, reſpecting the regulating the Militia of* New-York, *with an Addition thereto*; paſſed in the Thirty-ſecond Year of his Majeſty's Reign, ſhall be, and hereby are continued; and every Clauſe, Article, Matter, and Thing in the ſaid Four Acts contained, Enacted to be and remain in full Force and Virtue, to all Intents, Conſtructions and Purpoſes whatſoever, from the firſt Day of *January* next, until the firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-two.

Act continued.

CHAP. CCVII.

See Chap. 178. Expired 1ſt January 1762.

An ACT *further to continue an Act, entitled,* An *Act for billeting and quartering his Majeſty's Forces within this Colony.*

Paſs'd the 8th November, 1760.

CHAP. CCVIII.

See Chap. 175. Expired 1ſt January 1762. But See Chap. 258.

An ACT *to continue an Act, entitled,* An *Act for the better apprehending and ſecuring Deſerters from his Majeſty's Forces in* America, *together with another Act therein mentioned.*

Paſs'd the 8th November, 1760.

CHAP. CCIX.

Obſolete.

An ACT *to regulate the collecting the Duty of Exciſe on Strong Liquors retailed in this Colony, from the firſt Day of* January *One Thouſand Seven Hundred and Sixty-one, to the firſt Day of* January *One Thouſand Seven Hundred and Sixty-two.*

Paſs'd the 8th November, 1760.

CHAP.

1st GEORGE III A. D. 1760.

CHAP. CCX.

Repealed and annulled by the King 11th March, 1762. Notified in Council here 11th June 1762.

An ACT *for the better Government and Regulation of Seamen in the Merchants Service.*

Pass'd the 8th November, 1760.

CHAP. CCXI.

An ACT *further to continue the Currency of the Bills of Credit emitted by Virtue of an Act, entitled,* An *Act for emitting Bills of Credit for the Payment of the Debts, and for the better Support of the Government of this Colony, and other Purposes therein mentioned.*

Pass'd the 8th November 1760.

Preamble.

WHEREAS an Act, entitled, *An* Act *for emitting Bills of Credit for the Payment of the Debts, and for the better Support of the Government of this Colony, and other Purposes therein mentioned,* passed in the Eleventh Year of his Majesty's Reign, has, by several subsequent Acts, been continued and prolonged until the third Tuesday in *April,* which will be in the Year of our Lord One Thousand Seven Hundred and Sixty One: And whereas the Circumstances of this Colony still require the Aid of the Interest Money arising on the Bills of Credit issued by the Act first aforesaid, for supporting the Government thereof:

The Time for which the Interest Money stands appropriated for the Support of the Government of this Colony, prolonged.

I. **Be it therefore Enacted** *by his Honour the President, the Council, and the General Assembly, and it is hereby* **Enacted** *by the Authority of the same,* That the Time for which the said Interest Money stands appropriated for the Support of the Government of this Colony, by the last subsequent Act aforesaid, entitled, *An* Act *further to continue the Currency of the Bills of Credit emitted by Virtue of an Act, entitled,* An *Act for emitting Bills of Credit for the Payment of the Debts, and for the better Support of the Government of this Colony, and other Purposes therein mentioned,* shall be, and hereby is deferred, removed, and further prolonged, until the third Tuesday in the Month of *April,* which will be in the Year of our Lord One Thousand Seven Hundred and Sixty-two; any Thing in any of the aforesaid Acts to the contrary notwithstanding. And that at the Time last mentioned, one-fourth Part of the said Bills of Credit, and the Remainder thereof in the next three succeeding Years, shall be paid in, cancelled and destroyed, at the Times, and in the Manner directed in and by an Act, entitled, *An* Act *for the more effectual cancelling the Bills of Credit of this Colony,* passed in the Twenty-first Year of his Majesty's Reign; and that, as well the said first mentioned Act, as one other Act, entitled, *An* Act *to facilitate and explain the Duty of the Loan-Officers in this Colony,* passed in the said Eleventh Year of his Majesty's Reign; and every the Clauses, Articles, Matters and Things in them contained, shall be, and hereby are *Enacted* to continue, and remain in full Force and Virtue, to all Intents, Constructions, and Purposes whatsoever, until the third Tuesday in *April,* which will be in the Year of our Lord One Thousand Seven Hundred and Sixty-five; any Thing in the said Acts to the contrary notwithstanding.

II. **And be it Enacted** *by the Authority aforesaid,* That the said Bills, during the Time they are hereby *Enacted* to remain current, shall continue to be put out at Interest in the same Manner and Method as in the said first mentioned

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tioned Act is directed: And that all the Intereſt Money which may ariſe on them during that Time, ſhall, from Time to Time, be employed to and for the Support of the Government of this Colony, in ſuch Manner as ſhall by Act or Acts hereafter to be paſſed for that Purpoſe, be ordered and directed, and not otherwiſe, except ſo much thereof as may be neceſſary for ſinking and cancelling the Sum of *Eight Thouſand and Fifty-nine Pounds Fourteen Shillings and Eleven Pence*, emitted in Bills of Credit, by Virtue of the Act firſt aforeſaid, for paying the Debts then due from this Colony.

During which Time the ſaid Bills to be put out on Intereſt.

III. **And be it Enacted** *by the Authority aforeſaid*, That the Loan-Officers of the ſeveral Cities and Counties within this Colony for the Time being, ſhall be, and hereby are fully empowered and authorized, to alter the Form of all ſuch Mortgages as ſhall, by them or any of them, hereafter be taken in any of their Offices, in Relation to the Time and Times of Payment, in ſuch Manner as to make the ſame anſwerable to the true Intent and Meaning of this Act; any Thing in any the aforeſaid Acts to the contrary notwithſtanding.

The Loan Officers impowered to alter the Form of the Mortgages, to anſwer the Intent of this Act.

IV. **And be it Enacted** *by the Authority aforeſaid*, That whenſoever the Loan-Officers of the ſeveral Cities and Counties within this Colony, ſhall, from the Information of any of the Supervizors in the reſpective Counties of this Colony, or from the Information of the Juſtices and Veſtrymen of the City of *New-York*, or the major Part of them, have ſufficient Reaſon to ſuſpect the Inſufficiency of any of the Securities taken, or to be taken, for any Sums of Money lent, or to be lent, out of any of their ſeveral Offices, either as to the Value or Title of the ſaid Securities, they the ſaid Loan-Officers ſhall be, and hereby are impowered and required, to demand Payment of the principal Sums, notwithſtanding the due Payment of the Intereſt thereof, or further ſufficient Security: And upon Failure of the due Payment of ſuch principal Sums, or refuſing or neglecting to give further ſufficient Security within Fourteen Days after ſuch Demand made, to proceed to the Sale of the mortgaged Lands, or to ſuch other Remedy as is given by the firſt aforeſaid Act, according to the Nature of the Caſe; and therein to purſue the Rules and Directions preſcribed in and by the ſaid Act; any Thing therein contained to the contrary notwithſtanding.

And if they ſuſpect the Inſufficiency of Sureties, to demand Payment of the principal Sums notwithſtanding the due Payment of the Intereſt thereof, or further ſufficient Sureties, and upon Failure of Payment, to ſell the mortgaged Lands.

V. **And be it farther Enacted** *by the Authority aforeſaid*, That if any of the Perſons who became Securities for the Loan-Officers, purſuant to the firſt aforeſaid Act, ſhall be deſirous of being diſcharged from continuing longer under their ſaid Engagements, they ſhall give Notice thereof in Writing, to the Supervizors of the reſpective Counties, or to the Mayor and Aldermen of the reſpective Cities where they ſtand engaged, between the firſt Tueſday in *February*, and the firſt Tueſday in *March*, in the Year One Thouſand Seven Hundred and Sixty-one: And the ſaid Supervizors, or Mayor and Aldermen reſpectively, ſhall, immediately thereafter, give Notice in Writing, to the reſpective Loan-Officers, whoſe Sureties ſo deſire to be diſcharged, that he or they do, by the firſt Tueſday in *April* then next following, provide and give new Security: And in caſe any of the Loan-Officers aforeſaid, ſo notified as aforeſaid, ſhall fail in giving new Surety to the Satisfaction of the ſaid Supervizors, or Mayor and Aldermen reſpectively, by the ſaid Days, then the ſaid Supervizors, or Mayor and Aldermen reſpectively, ſhall proceed to the Choice of a new Loan-Officer, or Loan-Officers, in the Room and Stead of ſuch ſo failing, and in their Proceeding thereon, ſhall purſue the Directions of the firſt aforeſaid Act, with Reſpect to the Choice of new-Loan-Officers, in the ſeveral Caſes therein mentioned; any Thing in this or the aforeſaid Acts to the contrary notwithſtanding.

If any of the Loan Officers Securities be deſirous to be diſcharged from their Engagements, to give Notice thereof.

And others are to be provided.

CHAP.

1st GEORGE III
A. D. 1760.

CHAP. CCXII.

An ACT *for making Proceſs in Courts of Equity effectual againſt Mortgagers who abſcond, and cannot be ſerved therewith, or who refuſe to appear.*

Paſs'd the 8th November, 1760.

Preamble.

WHEREAS the Rents of Lands in this Colony are very inconſiderable, and in many Caſes, will not amount to a Sum ſufficient to anſwer the Intereſt of Monies for which the ſame are mortgaged: And whereas Perſons who have mortgaged their Eſtates in this Colony, frequently withdraw themſelves beyond the Seas, or otherwiſe abſcond out of the Colony, by Means whereof, no Proceſs out of the Courts of Equity in the ſaid Colony can be ſerved on ſuch Perſons, and thereby Mortgagees have been prevented from proceeding in Equity for the Recovery of their juſt Debts, to their very great Damage: For the Remedy of this Inconvenience,

Mortgagers to enter their Appearance, within 12 months, on the Subpœna or Proceſs iſſued againſt them.

Otherwiſe the Court to direct their Appearance on a certain day;

On Failure, the Plaintiffs Bill to be taken pro confeſſo.

I. **Be it Enacted** *by his Honour the Preſident, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That if in any Suit hereafter to be commenced by a Mortgagee in any Court of Equity againſt any Mortgager, againſt whom a Subpœna or other Proceſs ſhall iſſue, ſuch Mortgager ſhall not cauſe his, her, or their Appearance to be entered upon ſuch Proceſs within one Year after iſſuing ſuch Subpœna or Proceſs, in ſuch a Manner as, according to the Rules of the Court, the ſame ought to have been entered in caſe ſuch Proceſs had been duly ſerved, and an Affidavit ſhall be made to the Satisfaction of ſuch Court, that ſuch Mortgager is withdrawn out of the Colony, or cannot, upon due Enquiry, be found within the ſame, ſo as to be ſerved with ſuch Proceſs; that in ſuch Caſe, the Court out of which ſuch Proceſs iſſued, may make an Order, directing ſuch Mortgager to appear at a certain Day therein to be named; a Copy of which ſhall, within Twenty Days, be inſerted in the publick News-Paper or Papers in the ſame Colony, and a Copy of the ſame Order ſhall alſo be poſted up within the Time aforeſaid, at the Pariſh Church, or Place of Publick Worſhip in the Pariſh, Diſtrict, or Precinct, in which ſuch Mortgager laſt dwelled or reſided before leaving the Colony, at leaſt Three Sundays; and if ſuch Mortgager do not appear within the Time limitted by ſuch Order, or within ſuch further Time as the Court ſhall appoint; then on Proof made of the Publication of ſuch Order in Manner aforeſaid, the Court being ſatisfied of the Truth thereof, may order the Plaintiff's Bill to be taken *pro Confeſſo*, and thereupon decree a Sale of the mortgaged Premiſes, or only Part or Parts thereof, as to the ſaid Court ſhall ſeem Juſt and Right.

The Premiſes to be appraiſed on Oath, before a Decree of Sale iſſues on ſuch Bill.

II. **And be it further Enacted** *by the Authority aforeſaid,* That before any Decree ſhall be made on ſuch Bill, the Court ſhall cauſe the mortgaged Premiſes to be appraiſed, on Oath, by two indifferent Perſons to be appointed by the Court, that the Value of the ſame may be known to the Court, as nearly as may be, before the Decree be made; and upon ſuch Decree for the Sale of the mortgaged Premiſes, or ſuch Part thereof as ſhall be thought ſufficient to diſcharge the Debt due to ſuch Mortgagee, together with his Coſts, a Writ ſhall be iſſued from ſuch Court to the Sheriff of the County where ſuch mortgaged Premiſes lie, commanding him to make Sale of the Lands decreed to be ſold at Public Vendue, and to return the Monies ariſing by the Sales into Court, at a Day to be mentioned in the ſame Writ, not leſs than Seven Months after the

1ſt GEORGE III A. D. 1760.

the Teſte, and the Day on which ſuch Writ iſſued: And the ſaid Sheriff ſhall thereupon, cauſe an Advertiſement, or Notice of the intended Sale of ſuch Lands, to be inſerted in one or more of the Public News-Papers in this Colony, and continue the ſame in the ſaid Paper or Papers Weekly, for Six Months before the Day to be by him appointed for the Sale of the ſame, and at the Day ſo by him notified, ſhall proceed to ſell the ſame to the higheſt Bidder, and ſhall execute Deed for the ſame to the Purchaſer, in ſuch Manner as the Caſe may require; and ſuch Deed ſhall be of the ſame Validity, and as beneficial to the Purchaſer, as if ſuch Deed had been executed by the Mortgagee and Mortgager, and ſhall be judged an entire Bar againſt them, and each of them, and their and each of their Heirs, both in Law and Equity; and the Monies ariſing by the Sale of the ſaid mortgaged Premiſes, ſhall be applied to pay off and diſcharge the Debt due to ſuch Mortgagee, with ſuch Coſts as the Court ſhall award, and the Remainder, if any be, ſhall be put at Intereſt, on ſuch Security as the ſaid Court ſhall think ſufficient, and the ſame ſhall be paid to the Mortgager, or his Executors, Adminiſtrators, or Aſſigns, upon his or their Application to the Court for the ſame. **Provided Always**, That no greater Eſtate in the Premiſes ſold, ſhall at any Time be conveyed or granted by the Sheriff to ſuch Purchaſer, than would have veſted in the Mortgagee, had the Equity of Redemption been duly foreclоſed.

Upon the Decree being made, a Writ to be iſſued to the Sheriff, commanding a Sale at Vendue,

who is to give Notice thereof in the publick Papers in this Colony; and to execute Deeds for the ſame.

III. **Provided alſo, And be it Enacted** *by the Authority aforeſaid*, That if the Mortgager ſhall, at any Time before the Sale made by the Sheriff in Purſuance of ſuch Writ iſſued to him as aforeſaid, cauſe his Appearance to be duly entered in ſuch Court, and ſhall pay ſuch Coſts to the Martgagees as the ſaid Court ſhall think reaſonable, that then a ſuperſedeas ſhall iſſue from the ſaid Court, directed to the Sheriff, to ſtay his Proceeding to the Sale of ſuch mortgaged Premiſes; and upon ſuch Appearance being entered, ſuch Proceedings ſhall and may be thereupon had, as if an Appearance had been entered within ſuch Time, and in ſuch Manner, as, according to the Rules of the Court, the ſame ought to have been entered, in caſe the firſt Proceſs in the Suit had been duly ſerved.

Proviſo, That if the Mortgager, before the Sale, cauſes his Appearance to be duly entered, a Superſedeas wall iſſue to ſtop Sale.

IV. **And be it further Enacted** *by the Authority aforeſaid*, That in all Caſes in which as aforeſaid, a Decree for the Sale of the mortgaged Premiſes ſhall be made, and the Mortgagee ſhall be paid the Money alledged by him to be due as above directed, that it ſhall and may be lawful for any ſuch Mortgager, within the Space of Seven Years, from the Time of the Sale of ſuch mortgaged Premiſes, if he finds himſelf aggrieved, and that the Mortgagee hath received more Money than was *bona fide* due to him on the Mortgage, to file his Bill in the ſaid Court againſt ſuch Mortgagee, to compel him to account with, and ſettle what was really and truly the Sum due to ſuch Mortgagee at the Time of the Sale of the mortgaged Premiſes, and to refund and repay him, what ſhall be found ſuch Mortgagee hath been overpaid, together with Intereſt, from the Time of ſuch Payment made, with Coſts of Suit; the former Decree for the Sale of the mortgaged Premiſes notwithſtanding.

Mortgagers, if within ſeven Years they find themſelves aggrieved by the Mortgagee they may file a Bill, and compel him to Account.

V. **And be it further Enacted** *by the Authority aforeſaid*, That from and after the Firſt Day of *May* next, if any Mortgager, by Virtue of any Writ of *Habeas Corpus*, or other Proceſs, iſſuing out of any Court of Equity, ſhall be brought into Court, and ſhall refuſe to cauſe an Appearance to be entered according to the Rules of the Court, ſuch Court ſhall and may appoint a Clerk in Court, or Attorney of ſuch Court, to enter ſuch Mortgager's Appearance, and ſuch Proceedings may be thereupon had in the Cauſe, as if the Party had actually appeared.

Mortgagers refuſing to enter their Appearance, after the 1ſt of May next, the Court to appoint an Attorney for the Purpoſe.

VI. And

1st GEORGE III A. D. 1760.

VI. **And be it further Enacted,** *by the Authority aforesaid,* That this Act shall be in Force, as to the Commencement of any Suit by Virtue thereof, from the Publication hereof, to the first Day of *January,* which will be in the Year of our Lord One Thousand Seven Hundred and Sixty-eight, and no longer: And, as to all such Suits as shall be brought or commenced during the Term aforesaid, until the same shall be finally determined.

This Act to continue in Force till the first January 1762.

CHAP. CCXIII.

An ACT *to impower* William Baker, *and* Robert Charles, *Esquires, of the City of* London, *to receive certain Sums of Money allotted to this Colony, by his Majesty, out of the Monies voted by Parliament for the Northern Colonies.*

Past'd the 8th November, 1760.

Obsolete.

CHAP. CCXIV.

An ACT *to continue an* Act, *entitled, An* Act *to prevent the setting on Fire, or burning the old Grass on* Hampstead *Plains, with an Addition thereto.*

Past'd the 8th November, 1760.

1 Vol. Chap. 472. See Chap. 898, 1 Vol.

Be it Enacted *by his Honour the President, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same,* That the Act, entitled, *An* Act *to prevent the setting on Fire, or burning the old Grass on* Hampstead *Plains*; passed in the Twelfth Year of his late Majesty's Reign, and by several subsequent Acts continued to the first Day of *January,* in the Year of our Lord One Thousand Seven Hundred and Sixty, Old Stile, shall be and hereby is further continued, and every Clause, Article, Matter, and Thing therein contained, enacted to be of full Force and Virtue, to all Intents, Constructions and Purposes whatsoever, until the first Day of *January,* which will be in the Year of our Lord One Thousand Seven Hundred and Seventy.

Act continued.

II. **And Whereas,** several of the Persons appointed in the said Acts to put the same in Execution, with respect to the Extinguishing of Fire, are either dead or removed from the respective Plantations where they formerly resided, by which Means the good Ends and Purposes thereby intended may be frustrated: For preventing whereof, **Be it Enacted** *by the Authority aforesaid,* That the Persons hereafter named, *viz. William Cornel, John Rock Smith, Richard Williams, Nathaniel Seaman, John Willis, Richard Post, Richard Willets,* of *Jericho, John Robbins, Silas Smith, Richard Powel, James Seaman, John Jackson,* Esq; *John Birdsal,* junior, *David Batty, John Hall,* and *John Durland,* shall be, and hereby are appointed to put in Execution the several Powers and Authorities given by the said first mentioned Act to the Persons therein appointed for that Purpose. And the said Persons above named, are hereby vested with as full Power and Authority in that Respect, as if they had been appointed in and by the said first mentioned Act; any Thing therein contained to the contrary notwithstanding.

Persons appointed to put in Execution the powers given to those nominated in a former Act for preventing the setting on fire &c.

1st GEORGE III. A. D. 1760.

CHAP. CCXV.

An ACT *further to continue an Act, entitled,* ‡ *An* Act *to prevent the penning and folding of Sheep and Neat Cattle feeding on* Hampſtead *Plains.*

‡ 1 Vol. Chap. 599.

See Chap. 883, Vol. 1.

Paſs'd the 8th November, 1760.

WHEREAS an Act, entitled, *An* Act *to prevent the penning and folding of Sheep and Neat Cattle feeding on* Hampſtead *Plains*; paſſed in the Seventh Year of his preſent Majeſty's Reign, and by ſeveral ſubſequent Acts continued to the firſt Day of *December*, in this preſent Year of our Lord One Thouſand Seven Hundred and Sixty: And the ſaid Act having been found beneficial;

Act continued.

I. **Be it Enacted** *by his Honour the Preſident, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the ſaid above-mentioned Act, entitled, *An* Act *to prevent the penning and folding of Sheep and Neat Cattle feeding on* Hampſtead *Plains*, ſhall be, and hereby is continued; and every Clauſe, Article, Matter and Thing therein contained, Enacted to be of full Force and Virtue, to all Intents, Conſtructions and Purpoſes whatſoever, until the firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Seventy.

CHAP. CCXVI.

An ACT *for the better regulating the Taxation of Eſtates in* Queens *County, and for repealing an Act, entitled,* * An *Act for the more equal Taxation of Eſtates in* Queens *County, paſſed in the Twenty-ſeventh Year of his preſent Majeſty's Reign.*

* Chap. 25, ante.

Paſs'd the 8th November, 1760.

Be it Enacted *by his Honour the Preſident, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That from and after the Publication of this Act, each reſpective Town, Manor, or Precinct within *Queens* County, ſhall be, and hereby are enabled to chuſe and elect yearly, and every Year, at their annual Meetings for the Choice of Town Officers, ſuch and ſo many Perſons, being Freeholders, to be Aſſeſſors for the reſpective Towns, Manors, and Precincts, as the Majority of the Freeholders then aſſembled ſhall judge neceſſary, not exceeding Four for each reſpective Town, Manor, or Precinct; which Aſſeſſors ſo choſen and elected, ſhall, each of them, before they enter on the Duty of their Office, take an Oath, or if Quakers, an Affirmation, to the following Effect, *to wit*;

Aſſeſſors to be choſen yearly for Queen's County:

Who are to take an Oath, or

Affirmation, if Quakers.

That they ſhall and will, well, truly, equally, and impartially, according to the beſt of their Knowledge, Skill and Judgement, aſſeſs all the whole real and perſonal Eſtates of all the Freeholders and Inhabitants of the reſpective Towns, Manors, or Precincts for which they ſhall be choſen Aſſeſſors, and of all ſuch as have Eſtates there, and not reſiding therein.

And the ſaid Inhabitants of the reſpective Towns, Manors, and Precincts, ſhall be, and hereby are enabled and impowered, at their ſaid annual Meetings, to make ſuch Allowance for the Service of their ſeveral and reſpective Aſſeſſors, as the Majority of the Freeholders and Inhabitants then preſent ſhall judge ſufficient; which ſaid Allowance ſhall be added to, and raiſed with the Tax annually raiſed for the Maintenance of the Miniſter and Poor of the ſaid reſpective Places, and collected and paid accordingly. II. And

1st GEORGE III A. D. 1760.

II. **And be it Enacted** *by the Authority aforesaid*, That the Assessors so chosen and qualified as aforesaid, shall as soon as they conveniently can, after such Qualification, proceed in making their Assessments, and shall make out a true and exact List of all the Names of the Freeholders and Inhabitants of the respective Towns, Manors, and Precincts for which they shall be chosen Assessors, and of such who have Estates therein, and not residing there; and against the Name of every such Person, shall set down the Value of all his or her whole Estate, real and personal, as nigh as they can discover the same, setting down for every *Hundred Pounds* real Value, *Four Pounds*, and in that Proportion for a greater or lesser Sum; which List they shall compleat and deliver unto the Supervisors of the said County, or unto their Clerk, on or before the first Tuesday in *June*, yearly, and every Year after their said Election: From the Sum total of which Assessment Lists so brought in, and delivered to the Supervisors as aforesaid, from the respective Towns and Manors for which they are respectively chosen, they the said Supervisors shall exactly compute what each Pound of the said Sum Total is or ought to be charged with, of the Sum or Sums which are from Time to Time, to be raised on the said County; which having found, they shall then add in every of the said Lists, over against each Person's Name, and the Sum at which his or her Estate is assessed, the particular Sum which his or her Estate is rated at, or charged with, of what is then to be raised on the said County; adding thereto, at what Rate per Pound the Computation is made. Which being done, the said Supervizors shall transmit the said Lists so compleated, unto the Collectors of the respective Towns, Manors, and Precincts from which the said Lists were brought, with Warrants under their Hands and Seals thereto annexed, commanding the said Collectors respectively, to collect of and from all and every the Person and Persons contained in the said Lists, their Executors or Administrators, the several and respective Sums at which their respective Estates are thereby rated, with Power to distrain for the same, in case any Person or Persons shall refuse or neglect to pay what their Estates are so rated at, and directng the said Collectors to pay all the said Sum or Sums of Money so collected according to the Directions of the several Act or Acts by which the same are or may be laid on the said County; any Thing contained in any of the Acts of this Colony to the contrary hereof notwithstanding.

And as soon after Qualification as convenient, proceed to make Assessments, make out Lists thereof, and deliver the same to the Supervisors of the County, or their Clerk.

Supervisors Duty.

III. **And be it further Enacted** *by the Authority aforesaid*, That if any Assessor or Assessors, chosen and elected yearly, and every Year, by Virtue of this Act, shall either refuse to take the Charge upon him or them, or having accepted the same, shall neglect his or their Duty therein, each so refusing or neglecting, shall respectively forfeit the Sum of *Five Pounds*; to be recovered by the Supervisors of the said County, or any two of them, with full Costs of Suit, before any one of his Majesty's Justices of the Peace for said County, and be by them applied towards paying the necessary and contingent Charges of the said County, in such Manner as the said Supervisors shall think proper: And the said Assessment Lists made by such as shall and do except of the same, and do their Duty therein, shall be as good and effectual, as if all the Assessors chosen, elected, and qualified as aforesaid, had joined therein.

Assessors refusing to take the Charge or neglecting their Duty when sworn forfeit £. 5.

IV. **And be it further Enacted** *by the Authority aforesaid*, That if there be any landed Estates lying within any of the said Towns, Manors, or Precincts whereon no Persons are Resident, and no moveable Effects thereon whereof Distress can be made, then it shall be lawful for the Collector or Collectors of such Town or Manor wherein such landed Estates do so lie, and they are hereby authorized and impowered to enter on such Lands, and cut and carry off so much of the Timber or Grass, growing or being thereon, as will be sufficient to

Landed Estates to be rated, and the Timber and Grass thereon made liable.

1st GEORGE III A. D. 1760.

pay what the ſaid Eſtate or Eſtates is or ſhall be rated at, with all Coſts and Charges ariſing thereon; any Law, Uſage or Cuſtom to the contrary notwithſtanding.

Act repealed.

V. **And be it Enacted** *by the Authority aforeſaid*, That the aforeſaid Act, entitled, *An* Act *for the more equal Taxation of Eſtates in* Queens *County*; paſſed in the Twenty-ſeventh Year of his preſent Majeſty's Reign, ſhall be immediately after the Commencement of this Act, repealed; and every Clauſe, Article, and Thing therein contained, is hereby made null and void, to all Intents, Conſtructions and Purpoſes whatſoever.

CHAP. CCXVII.

An ACT *for the better regulating and further laying out public Highways in* Queens *County.*

Paſs'd the 8th November, 1760.

Preamble.

WHEREAS it is found neceſſary in *Queens* County, that the Commiſſioners choſen by Virtue of an Act, entitled, *An* Act *for the better clearing, regulating, and further laying out public Highways in* Kings *County*, Queens *County*, Richmond *County*, *and* Orange *County*; ſhould be veſted with more Power and Authority than by the ſaid Act is given them:

Commiſſioners further impowered to alter and make roads in Queens County, as they ſhall think convenient.

I. **Be it therefore Enacted** *by his Honour the Preſident, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame*, That the Commiſſioners of each reſpective Town in *Queens* County, that ſhall be hereafter choſen to regulate and lay out Highways, or the major Part of them, ſhall and may take a View of the Roads that have been heretofore laid out in the reſpective Towns for which they ſhall be choſen Commiſſioners, and ſuch Roads as appear to them, or the major Part of them, to be really inconvenient, ſhall, and may alter the ſame, in ſuch Manner as they, or the major Part of them, ſhall think convenient, as well for Travellers as the Inhabitants of each reſpective Town, and the next adjacent Towns, Villages, and Neighbourhoods. And ſuch Roads as ſhall be found by them, or the major Part of them, to be convenient, ſuch Roads ſhall remain, continue, and be as the ſame ſhall be ſo found by the ſaid Commiſſioners. And ſuch Roads that have heretofore been laid out in each reſpective Town, that ſhall appear to the ſaid Commiſſioners, or the major Part of them, to be really unneceſſary, that the ſaid Commiſſioners, or the major Part of them, ſhall and may ſtop up the ſame.

And to exchange old for new Roads that may be run thro' one and the ſame Perſon's Lands.

II. **And be it further Enacted** *by the Authority aforeſaid*, That where any Road hath heretofore been laid out contiguous to, or through any Perſon's Land, and it ſhall appear to the ſaid Commiſſioners, or the major Part of them, that another Road might be laid out through the ſaid Perſon's Land, that would be more convenient as well for Travellers as for the Inhabitants of each reſpective Town; that in ſuch Caſe, the ſaid Commiſſioners, or the major Part of them, are hereby impowered, and they ſhall, and may agree with the ſaid Owner or Proprietor concerning the ſame, and ſhall, and may exchange the ſaid Road already laid out, for another Road to be laid out by the ſaid Commiſſioners through the ſaid Perſon's Land: Which Agreement ſhall be good and valid in the Law, and the Owner or Proprietor of ſuch Land, ſhall hold and enjoy the Land where ſuch former Road was laid out, to him, his Heirs and Aſſigns, for ever.

III. And

III. And be it further Enacted *by the said Authority*, That the said Commissioners of every Town for which they shall be chosen and elected, shall from Time to Time enter in Writing, all the Highways or Roads by them altered, stopped up, or approved of, and sign the same, by putting their Names thereto, and cause the same to be entered in their Town Book, or in the County Record; and the several Clerks are hereby directed and required to enter the same; and whatsoever the said Commissioners shall do, according to the Powers given them in this Act, being so entered in the Town Book, or County Record, shall be valid and good to all Intents and Purposes whatsoever.

Roads altered, stopped up, or approved of, to be entered in Writing, and signed by the Commissioners afterwards to be entered in the Town Book, or County Record.

CHAP. CCXVIII.

An ACT *for the more equal Taxation of Estates in* Ulster *County.*

Pass'd the 8th November, 1760.

WHEREAS the taxing, rating, and assessing, heretofore made by the Assessors in the County of *Ulster*, hath not been equal, and in due Proportion, according to the real and personal Estates which the Freeholders and Inhabitants of said County do possess and enjoy: For the Remeding whereof,

I. Be it Enacted *by his Honour the President, the Council, and the General Assembly, and it is hereby* Enacted *by the Authority of the same*, That the Supervisors of the said County, or the Majority of them, shall, at their annual Meeting or Meetings annually, issue out their Warrants, commanding the Assessors of each respective Town, Manor, and Precinct in the said County for the Time being, to rate all the Estates real and personal, of all the Freeholders and Inhabitants of and in the said several Towns, Manor, and Precincts, for which they are chosen or appointed respectively, and that they return at such Time and Place as by the said Warrant shall be directed, a List under their Hands, of every Person's Name, with the Sum or Sums they shall, in Pursuance of this Act, rate each Person at, annex'd to their respective Names. And the several Assessors, before they enter upon the Duties of their Offices, shall each of them, take the following Oath, before any of the Justices of the Peace for said County, who are hereby respectively authorized and required to administer such Oath, *viz.*

Supervisors and Assessors Duty.

I A. B. *do swear on the Holy Evangelists of Almighty God, that I will return a List, according to the best of my Knowledge, containing the Names of all the Freeholders and Inhabitants within the District for which I am chosen or appointed Assessor; and that I shall and will, well and truly, equally and impartially, and in due Proportion, according to the best of my Skill and Understanding, rate all the whole Estates, real and personal, (the unimproved Land excepted) of all the Freeholders and Inhabitants of the Place for which I am chosen or appointed Assessor; and that I will, carefully, according to the best of my Skill and Understanding, compute the full Value of every such Estate, without any Deduction for Debt, or supposed Debts, or Incumbrances, and against the Name of every such Person, will set down the Value of all his, or her whole Estate, real and personal, as nigh as I can discover the same, and set down for each* Hundred Pounds *real Value* Ten Pounds, *and in that Proportion for a greater or lesser Sum.* So help me GOD.

Assessors Oath.

II. And be it further Enacted *by the same Authority*, That the said Supervisors shall make the Quota of each respective Place, according to the total Sum of each List returned as aforesaid, and not otherwise; and that the Clerk

1st GEORGE III. A. D. 1760.

of the Supervisors shall transcribe each List, and add to each Person's Rate, the Sum or Proportion each Person is to pay of what the Supervisors find the said County chargeable with; and when the said Lists are compleated, the said Supervisors, or the greater Number of them, are hereby required to issue their Warrants, commanding the Collector or Collectors of each Town, Manor, or Precinct, to collect or pay the same, as by the Warrant shall be directed.

Supervisors to make the Quota of each respective Place according to the List returned.

III. And be it further Enacted *by the Authority aforesaid*, That every Assessor or Assessors, who shall or may neglect, deny, or refuse to perform the Duty required of him or them by this Act, shall forfeit the Sum of *Forty Shillings*: Which Forfeitures shall be sued for, and recovered, with Costs of Suit, by any one of the Supervisors of said County, before any one of his Majesty's Justices of the Peace within said County. Which Forfeiture so recovered, shall be lodged in the Hands of the County Treasurer, and be applied by the Supervisors towards paying the contingent and necessary Charges of said County.

Assessors neglecting Duty, to forfeit 40*s.*

This Act to continue in full Force from the Publication hereof, until the first Day of *January*, One Thousand Seven Hundred and Sixty Three, and no longer: Any Law, Usage, or Custom to the contrary notwithstanding.

This Act to continue in Force till 1st January 1763.

CHAP. CCXIX.

Obsolete.

An ACT *to impower and enable the Mayor, Recorder, and Aldermen of the City of* New-York *for the Time being, or the major Part of them, to order the raising a Sum not exceeding* Five Hundred Pounds, *by a Tax on Estates real and personal in the said City.*

Pass'd the 8th November, 1760.

CHAP. CCXX.

An ACT *for extinguishing Fires in Woods in the Counties of* Albany *and* Ulster.

Pass'd the 8th November, 1760.

WHEREAS there is a Law for the Prevention of firing the Woods, but no Provision for the Extinguishment of Fires when they happen:

I. Be it Enacted *by his Honour the President, the Council, and the General Assembly, and it is hereby* Enacted *by the Authority of the same*, That the Freeholders and Inhabitants of the City of *Albany*, and of each respective Town, Manor, or Precinct within the said Counties of *Albany* and *Ulster*, shall be, and are hereby impowered and authorised, annually at their respective annual Meetings, to elect and chuse such a Number of their Freeholders, as by the Majority of the said Freeholders and Inhabitants shall be judged needful. Which said Men, when so chosen, are to be called and known by the Name of the Firemen for the respective District for which they shall be chosen: Which said Firemen, or any one of them, shall be, and are hereby fully and absolutely authorized and impowered, upon View or Information of any Fire happening in any Part of the Woods within their respective Districts, or the Woods adjacent thereto, whereby any of the Inhabitants may be in Danger of being damaged, to require and command every able Man, residing within their Districts, to aid and assist them the said Firemen, or any one of them, who

Firemen for the extinguishing Fires in Woods, to be chosen annually in the Counties of Albany and Ulster.

Their Duty.

who shall happen to be near unto, or discover the said Fire as aforesaid, in extinguishing and putting out the same with all Care and possible Diligence. And all and every Person or Persons that shall (without a lawful Excuse or Impediment) refuse, neglect, or delay to help and assist the said Firemen, or either or any of them so requiring or commanding as aforesaid, to extinguish the said Fires as aforesaid, shall forfeit the Sum of *Three Shillings*, current Money of this Colony each, for every such Refusal, Delay, or Neglect; to be recovered before any one of his Majesty's Justices of the Peace, of the County where the same shall happen, by the Oath of any of the said Firemen, or otherwise. The one Half of which Forfeitures shall be for the Use of the said Firemen, who shall sue for the same: and the other Half to be distributed to those who have assisted in extinguishing the said Fire or Fires.

Persons refusing to give their Assistance, when ordered, to forfeit three Shillings.

This Act to be and remain in full Force from the Publication thereof, until the first Day of *January*, One Thousand Seven Hundred and Sixty Six, and no longer.

This Act to remain in Force till 1st January 1766.

CHAP. CCXXI.

An ACT *for altering and explaining Part of an Act, entitled,* † An *Act for regulating, clearing, and further laying out public Highways throughout the City and County of* Albany.

† Chap. 199, ante.

See Chap. 243.

Pass'd the 8th November, 1760.

WHEREAS by a certain Act, entitled, *An* Act *for regulating clearing, and further laying out public Highways, throughout the City and County of* Albany; passed in the Thirty-third Year of his present Majesty's Reign; all the Inhabitants from the Southermost Bounds of *Schotack*, in the County of *Albany*, living above Half a Mile from *Hudson*'s River, although they belong to the Manor of *Renselaerwyck*, are obliged to work on the King's Road, from the Southernmost Bounds of *Kinderhook*, through the Woods to *Greenbush*, which is found to be very burthensome to those of the Inhabitants who are obliged to work on the Lower Road along *Hudson*'s River, and who are obliged to keep two Bridges in Repair on the said Lower Road, and are deprived of the Assistance of those of the said Inhabitants, who are obliged by the said Act only to work on the said first mentioned Road: To remedy which Inconvenience,

Preamble.

I. **Be it Enacted** *by his Honour the President, the Council and the General Assembly, and it is hereby Enacted by the Authority of the same,* That the Inhabitants living within one Mile's Distance from *Hudson*'s River, to the East of the said River at *Schotack*, shall work and keep in Repair the said Lower Road as they used to keep before, and are hereby excused from working on, and keeping in Repair the said Upper Road; any Thing in the said Act contained to the contrary hereof in any wise notwithstanding.

The Inhabitants from Hudson's River one Mile's Distance, to Schotack,—to keep in Repair the Lower Road only.

II. **And be it Enacted** *by the Authority aforesaid,* That those of the Inhabitants of *Renselaerwyck*, at *Schotack*, who by the said Act are now obliged to work from the Southernmost Bounds of *Kinderhook* to *Greenbush*, shall only be obliged to work with the Inhabitants of *Kinderhook*, from where the Southernmost Line of the said Manor crosses the *Kinderhook* Road to *Greenbush*; any Thing in the said Act contained to the contrary thereof in any wise notwithstanding.

This Act to be in Force from the Time of the Publication, to the first Day of *January*, One Thousand Seven Hundred and Seventy, and no longer.

Continuance of this Act.

CHAP.

1st GEORGE III A. D. 1760.

CHAP. CCXXII.

An ACT *for the better laying out, regulating, and keeping in Repair, common and public Highways, at the North Side of the* Highlands, *in the County of* Orange.

Paſs'd the 8th November, 1760.

WHEREAS nothing contributes more to the Eaſe and Advantage of the Inhabitants, than the well regulating, laying out, and keeping in proper Repair, publick Highways;

Three Freeholders to be choſen yearly in the Precinct of Goſhen and Miniſinck, to lay out and regulate Highways therein.—As alſo Surveyors and Overſeers of the ſame.

I. **Be it Enacted** *by his Honour the Preſident, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That from and after the Publication of this Act, the Freeholders and Inhabitants of the Precinct of *Goſhen*, and the Precinct of *Miniſinck*, ſhall be, and hereby are authoriſed, at their annual Town Meetings for electing Town-Officers, to chuſe and elect at the ſame Time, three Freeholders, to lay out and regulate Highways, and alſo ſo many Perſons tobe Surveyors and Overſeers of the Highways, as the major Part of the Freeholders and Inhabitants of each, and either of the ſaid two Precincts then aſſembled, ſhall judge neceſſary and convenient, for the overſeeing, repairing, and keeping in order, the ſeveral Highways within the reſpective Precincts for which they ſhall be elected and choſen as aforeſaid. And the Perſon or Perſons ſo choſen and elected, as well thoſe who are to lay out and regulate Highways, as thoſe who are ſo to be Overſeers and Surveyors thereof, are hereby required to take thoſe ſeveral Offices reſpectively upon them.

Commiſſioners to regulate the roads already laid out, and to lay out others if neceſſary and convenient.

II. **And be it further Enacted** *by the Authority aforeſaid,* That the Commiſſioners, or the major Part of them, in the reſpective Places for which they ſhall be elected and choſen Commiſſioners, are hereby impowered and authorized to regulate the Roads already laid out, and to lay out in the ſeveral Places for which they ſhall be choſen Commiſſioners, ſuch other Roads as to them, or the major Part of them, ſhall ſeem neceſſary and convenient, and if Need be, to take a Review of the Roads already laid out, and if any of them, ſhall really appear inconvenient, and the ſame be certified upon Oath, by twelve principal Freeholders of the ſaid County, the Commiſſioners ſhall and may alter the ſame, and lay out ſuch other public Highways and Roads as they or the major Part of them, ſhall think moſt convenient, as well for Travellers as for the Inhabitants of every reſpective Town, and the next adjacent Towns, Villages and Neighbourhoods. **Provided**, That nothing in this Act contained ſhall extend, or be conſtrued, to impower the Commiſſioners aforeſaid, to alter any Roads that are already commodious, nor to lay out any Road through any Perſon's incloſed and improved Lands and Meadows, without the Conſent of the Owner or Owners thereof, or paying to him or them the true Value of the incloſed and improved Lands and Meadows ſo laid out into an Highway or Road; and if any Diſpute ſhall ariſe by that Means, the ſame ſhall be determined, and the true Value ſet, and appraiſed by two Juſtices of the Peace of the ſaid County, and by the Oaths of twelve principal Freeholders of the Neigbourhood, not having any Intereſt in the Land concerning which ſuch Diſpute may ariſe; which Freeholders, may be ſummoned by the High-Sheriff, his Deputy, or any Conſtable of the County of *Orange*, by Virtue of a Warrant to be iſſued by the ſaid two Juſtices for that Purpoſe. And if any Road within the ſaid two Precincts ſo laid out, be a common public Highway, and the ſame be laid out at the Requeſt of twelve principal Freeholders of the County, then the whole Charge of the Value of the ſaid incloſed and improved Lands,

Proviſo.

Lands, together with the Charge of the Commissioners, and Calling and Charge of the Jury, and the whole Proceeding thereon had, shall be paid as the other contingent Charges of the County are paid; and the Highway so laid out, shall be a common publick Highway: But if the Road so laid out, be for the private Use and Benefit of any Person or Persons, then the Charges aforesaid, shall be paid by the Person or Persons who desire the same to be laid out, and said Road to be for the only proper Use of such Person or Persons, and to their Heirs and Assigns, who pay for the same.

III. **And be it further Enacted**, That the said Commissioners to be chosen by Virtue of this Act, shall, before they execute any of the Powers herein contained, take an Oath, upon the Holy Evangelists, in the Words following, *to wit*,

Commissioners Oath, before they enter on the Execution of this Act.

I A. B. *do solemnly swear, that I will faithfully and impartially, execute the Powers to me given and granted, by an Act, entitled,* An *Act* for the better laying out, regulating, and keeping in Repair common and publick Highways, at the North Side of the *Highlands*, in *Orange* County, *according to the best of my Skill and Understanding*. So help me GOD.

IV. **And be it further Enacted** *by the Authority aforesaid*, That if any Person or Persons within the said two Precincts, do, or hereafter shall alter, stop up, or encroach on any Highway or Road, that has been heretofore laid out by former Commissioners, or shall be hereafter laid out by the Commissioners to be elected and chosen by Virtue of this Act, such Person so offending, contrary to the Meaning of this Act, shall for every such Offence, forfeit the Sum of *Forty Shillings*, to be recovered before any one Justice of the Peace, upon the Oath of any one credible Witness, and levied by Warrant from any Justice of the Peace, directed to the Constable of the Precinct where such Offence shall be committed, by distraining the Goods and Chattels of the Offender; and the said Constable, after publick Notice is given by him of the selling the said Distress, shall make Sale thereof, and out of the Produce pay the said Forfeiture and Charges, and return the Overplus, if any there be, to the Owner or Owners: Which said Forfeiture of *Forty Shillings*, shall be applied by the Surveyors of the Highways, for and towards repairing the publick Roads or Highways within the Precinct where such Forfeiture shall arise.

Persons altering or stopping up any Highway or Road Penalty 40 s.

V. **And be it Enacted** *by the Authority aforesaid*, That the Width of all the Roads in the said Precincts, shall be left to the Discretion of the Commissioners for the Time being, so that they do not exceed the Breadth of four Rods, nor be less than Twenty Foot.

Width of the Roads.

VI. **And be it further Enacted** *by the Authority aforesaid*, That the Inhabitants of the said Precincts, by and through whose Lands any common publick Roads or Highways have or shall run, or be hereafter ascertained or laid out, are hereby obliged by themselves, or Servants, to clear and maintain the same, as often as they, or any of them, shall have Notice from the respective Surveyors, or Overseers of the Highways for the Time being, not exceeding Three Days in a Year, under the Penalty of *Three Shillings* for each Day every Person shall neglect or refuse such Service, to be levied by the Constable of the Division in which such Offender dwells, by Distress and Sale of the Offender's Goods and Chattels, by Warrant from any Justice of the Peace in the said Precincts, returning the Overplus of such Sale (if any there be) to the Owner or Owners, the Charges that are common in other Cases being first paid; and the said Forfeiture of *Three Shillings*, shall be applied for repairing the publick Roads, within the Division where such Forfeiture shall arise.

The Inhabitants thro whose Lands any Road may be run, to keep the same in Repair.

1ſt GEORGE III. A. D. 1760.

Inhabitants and Freeholders to pay 3 s. to the Collector for keeping in Repair certain Roads.

VII. And be it further Enacted, *by the Authority aforeſaid*, That every Freeholder or Inhabitant within the ſaid Precinct of *Goſhen*, who is obliged to work upon the High-ways, ſhall pay into the Hands of the Collector of the ſaid Precinct for the Time being, the Sum of *Three Shillings*, for mending and keeping in Repair the Roads hereafter mentioned: And the ſaid Collector is hereby authorized and impowered, to receive and collect the ſame, in the ſame Manner as the publick Taxes of the Precinct are collected, and to deliver the Money when collected into the Hands of the Commiſſioners for the High-ways in the ſaid Precinct for the Time being, after having deducted the uſual Allowance for collecting; and the ſaid Commiſſioners for the Time being, are hereby required and directed, to lay out the Money to be raiſed as aforeſaid, in mending and keeping in Repair as much of the following publick Roads as lie within the ſaid Precinct, *viz.* The Road from *Florida* Meeting-Houſe, through *Goſhen*, down to *New-Windſor*; the Road from *Warwick* Bridge through *Grey-Court*, down to *New-Windſor*; and the Road from Capt. *Thomas Smith*'s, in *Schonemuck-Clove*, to the Landing at *Murder's-Creek*: And the ſaid Commiſſioners for the Time being, are to lay out the Money raiſed for repairing the ſaid Roads, as near as may be, in Proportion to the Number of Inhabitants which uſe the ſame; and the ſaid Commiſſioners for the Time being, are hereby directed and required, at the annual Meeting for electing Officers for the ſaid Precinct, to deliver to the Juſtices of the Peace then preſent, an exact Account, under Oath, of all the Monies by them received in Purſuance of this Act, and the Manner in which they have laid out and expended the ſame.

What Perſons are obliged to work on the Highways.

VIII. AND to prevent all Manner of Diſputes that may ariſe reſpecting the Perſons who are obliged by this Act to work upon the High-ways, Be it Enacted *by the Authority aforeſaid*, That every Freeholder within the ſaid Precincts, and alſo every Male Inhabitant, who has arrived to the Age of Twenty-one Years, ſhall be obliged to work upon the High-ways.

Trees ſtanding in the Highway to be made Uſe of for mending the ſame.

IX. And be it further Enacted *by the Authority aforeſaid*, That all Trees that ſtand in any High-way, which has or ſhall be laid out through any Perſon's Land, ſhall belong to the Owner or Owners thereof, but the ſaid Owner ſhall not hinder the Publick from making Uſe of ſo much Timber, which is ſtanding or lying on the Road, as will amend and repair the ſame.

Teams, Carts and Waggons to be eſteemed in Lieu of 3 Days Work of one Man.

X. And be it further Enacted *by the Authority aforeſaid*, That if the Overſeers of the Roads or High-ways ſhall think fit, and have Occaſion of any Teams, Carts or Waggons, and a Man to manage the ſame, the ſaid Team, Cart, or Waggon, ſhall be eſteemed for, and in Lieu and Stead of three Days Work of a ſingle Man, and the Fine to be proportionably, that is, treble to the Fine to be impoſed for the Neglect of a ſingle Perſon; and every working Man ſhall be obliged to bring ſuch Utenſils as he is directed to bring by the Overſeers or High-way Maſter.

Commiſſioners Proceedings on the Highway to be enter'd in the Town Book.

XI. And be it Enacted *by the Authority aforeſaid*, That the Commiſſioners of each Precinct for which they are choſen and elected, ſhall from Time to Time, enter in Writing, all the High-ways or Roads laid out, altered, or ſtopt up, and ſign the ſame, by putting their Names thereto, and cauſe the ſame to be entered into their Town Book; and whatſoever the Commiſſioners ſhall do, according to the Powers given them in this Act being ſo entered into their Town Book, ſhall be valid and good, to all Intents and Purpoſes whatſoever.

XII.

1st GEORGE III. A. D. 1760.

XII. **And be it further Enacted** *by the same Authority*, That each Commissioner shall have, take, and receive, a Sum not exceeding *Six Shillings* each for every Day, as a Reward for his Care and Trouble, in doing the Business required by this Act; and they shall transmit their Accounts to the Supervisors of the County of *Orange*, at their annual Meetings, of the Time he or they have spent in laying out, regulating, and repairing the High-ways in the said Precincts; and the Supervisors shall add so much as they find the Commissioners have a Right to claim to the Quotas of said Precincts from whence such Accounts shall be brought, and shall raise the same, with the County Tax, which shall be paid by the County Treasurer to the Commissioners, upon a Warrant from the Supervisors, as in other Cases, except where the Commissioners are paid by private Persons, as before directed.

Commissioners Reward.

XIII. **And be it further Enacted** *by the Authority aforesaid*, That upon the Ordering of any one Justice of the Peace, the Surveyors or Overseers of the said Precincts, shall within Eight Days thereafter, warn and set to work the respective Inhabitants, to mend and repair the King's High-ways, and other Roads, which, by Law and Custom they are obliged to repair. And if any of the Supervisors or Overseers, shall neglect, or refuse to warn and set to work the Inhabitants aforesaid, and see the Roads and High-ways amended and repaired, such Surveyor or Surveyors, shall, for every such Neglect or Refusal, pay a Fine of *Forty Shillings*, to be adjudged by, and recovered before any one of his Majesty's Justices of the Peace for the County of *Orange*, upon the Oath of any one Witness, or on the View of such Justice in the common or usual Method; which Fine shall be applied towards repairing the said High-ways, in such Place where such Fine may arise.

Surveyors or Overseers, within Eight Days after Order, to set the Inhabitants to mend the Roads:

40s. Penalty on Surveyors for refusing or neglecting to warn the Inhabitants.

XIV. **And be it further Enacted.** *by the Authority aforesaid*, That one certain Act, passed the Twenty-ninth of *November*, One Thousand Seven Hundred and Forty Five, entitled, * *An* Act *for the better clearing, regulating, and further laying out, publick High-ways in* Kings *County*, Queens *County*, Richmond *County*, *and* Orange *County*, as far as the same respects the Precincts of *Goshen* and *Minisinck* aforesaid, shall be and hereby is repealed, during the Continuance of this Act.

* Chap. 805, Vol. 1.

Act repealed.

XV. **And be it further Enacted** *by the Authority aforesaid*, That this Act shall be in Force until the First Day of *January*, One Thousand Seven Hundred and Sixty Six, and no longer.

Continuance of this Act in Force.

CHAP. CCXXIII.

1st *GEORGE* III. A. D. 1761.

An ACT *for raising, paying, and cloathing Seventeen Hundred and Eighty Seven effective Men, Officers included, to be employed in securing his Majesty's Conquests in* North-America, *and other Purposes therein mentioned.*

Obsolete.

Pass'd the 4th April, 1761.

CHAP.

1st GEORGE III A. D. 1761.

CHAP. CCXXIV.

See Chap. 161, ante.

An ACT *to revive an Act, entitled,* An *Act for regulating the Pilots, and eſtabliſhing their Pilotage between* Sandy-Hook *and the Port of* New-York, *and other Purpoſes therein mentioned.*

Paſs'd the 4th April, 1761.

WHEREAS an Act, entitled, *An* Act *for regulating the Pilots, and eſtabliſhing their Pilotage between* Sandy-Hook *and the Port of* New-York, *and other Purpoſes therein mentioned*; paſſed in the Thirty-ſecond Year of his late Majeſty's Reign, expired by its own Limitation on the firſt Day of *January* laſt, and the ſame having been found very uſeful and neceſſary;

Act continued.

I. **Be it therefore Enacted** *by his Honour the Preſident, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the above mentioned Act, entitled, *An* Act *for regulating the Pilots, and eſtabliſhing their Pilotage between* Sandy-Hook *and the Port of* New-York, *and other Purpoſes therein mentioned,* ſhall be, and hereby is revived, and every Article, Matter and Clauſe therein contained, enacted to be and remain in full Force, from the Publication hereof, until the firſt Day of *January,* which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-three.

CHAP. CCXXV.

Obſolete.

An ACT *for raiſing a Sum not exceeding* Three Thouſand Pounds, *by Way of Lottery, for building a Light-Houſe.*

Paſs'd the 19th May, 1761.

CHAP. CCXXVI.

The Acts repealed are Chap. 59, 77, and Chap. 163.

An ACT *for the Relief of inſolvent Debtors, and for repealing the Acts therein mentioned.*

Paſs'd the 19th May, 1761.

Preamble.

WHEREAS inſolvent Debtors, who in order to obtain a general Diſcharge, are willing to deliver up all their Effects to their Creditors, are often prevented from doing it by a few of them, to the great Prejudice of the Reſt, and to the Injury of Trade;

The Eſtate of Debtors may be aſſigned for the Benefit of their Creditors, upon the Petition of ſo many of them whoſe Debts amount to Three-fourths of all the Money due.

I. **Be it therefore Enacted** *by his Honour the Preſident, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That every Debtor who now is, or hereafter ſhall be in ſuch Circumſtances, in Conjunction with ſo many of his or her Creditors as have, or ſhall have Debts owing to them by the ſaid Debtor, amounting at leaſt to Three-fourths of all the Money owing by the ſaid Debtor, whether the ſame be then due, or payable at ſome future Time or Times, ſhall, in order to a general Diſcharge, preſent a Petition to the Supreme Court, or in the Vacation, to two or more of the Judges; or if the ſaid Debtor be arreſted to the Court, or any two of the Judges of that Court out of which the Proceſs againſt ſuch Debtor iſſued, praying that the ſaid Debtor's Eſtate may be delivered to one or more ſuch Perſons as the ſaid Petitioners, or a Majority of them, in reſpect to their Demands on the ſaid Debtor ſhall nominate to receive and diſpoſe of the ſame for the Uſe of all his or her Creditors.

II. And

II. **And be it further Enacted**, That every such Debtor within two Days after the presenting such Petition, shall deliver in Writing, a full and true Account of all his or her Creditors, and the Monies owing to them by the said Debtor; and also a full and true Inventory and Account of all such Debtor's Estate both real and personal, in Law and Equity, and all Books, Vouchers, and Securities relating to the same, except the necessary Apparel and Bedding of such Debtor, and of his Wife, and his or her Children; on which the said Judges are hereby required to administer or tender an Oath or Affirmation, to the following Effect;

The Debtors to deliver an account and Inventory of all the Debts they owe and of their Estate.

I A. B. *do solemnly swear, in the Presence of Almighty God,* (or being of the People called Quakers, *do sincerely and truly declare and affirm) that the Account by me delivered, is a just and true Account of all my Creditors, and the Monies owing, to the best of my Knowledge or Remembrance, by me; and that the Inventory and Account delivered by me, is a just and true Account of all my Estate real and personal, both in Law and Equity, either in Possession, Reversion, or Remainder, the necessary wearing Apparel of myself, and Wife, and Children excepted; and that I have not, directly or indirectly, sold, leased, assigned, or otherwise disposed of, or made over, either in Trust for myself, or otherwise, except as set forth in the same Account, any Part of my Estate real or personal, for my future Benefit, or in Order to defraud my Creditors:* So help me God.

Oath to be administred to the Debtor.

Which Oath or Affirmation being taken by such Debtor, Notice shall be given by the Petitioners to all the Creditors of such Debtor, by advertising the same in one or more of the publick News Papers, to shew Cause, if any they have, by such a Day as shall be appointed by the Court, or two or more of the Judges, why an Assignment of the said Debtor's Estate should not be made, and the Debtor discharged: At which Day, if no sufficient Cause to the Contrary appear, the Court, or any two of the Judges, shall direct a legal Grant or Assignment of all such Debtor's Estate, both in Law and Equity, to be made by such Debtor to the Person or Persons nominated by the Petitioners, or a Majority of them, in respect to the Amount of their just Demands on the said Debtor; and upon such Debtor's producing a Certificate under the Hands and Seals of the Assignee or Assignees, executed in the Presence of Two Witnesses, that he or she has legally granted, conveyed, assigned, and delivered up for the Use of the Creditors, all his or her Estate, real and personal, both in Law and Equity, and all the Books, Vouchers, and Securities relating to the same, they shall discharge such Debtor, if in Prison, from his Imprisonment; which Discharge, or the Record thereof, in the Minutes of the Court from whence the Process issued, shall be a sufficient Warrant to the Sheriff or Gaoler for setting such Prisoner at large.

Notice thereof to be given in the publick News-Papers.

And if no cause is shewn to the contrary by the Creditors, the Court is to direct an Assignment of the Debtor's Estate.

The Debtors to be discharged on producing a Certificate of such Assignment.

III. **Be it further Enacted** *by the Authority aforesaid*, That every such Debtor who shall, before the Delivery of the Petition before directed, have become Bail in any Cause, on Account of which he has Reason to think Judgment may be had against him, and shall make Oath that at the Time he so became Bail he had a clear Estate, sufficient to answer any Demand that could with any Probability be made upon him as Bail, may add to the Account of the Creditors, and the Monies owing by him before directed to be given, an Account of the Manner of his becoming Bail, and annex such a Sum as he imagines he will be liable to pay on that Account; and then the Assignees shall reserve in their Hands for the Space of One Year and a Half, such a Dividend as a Creditor for the like Sum would have a Right to receive; and after Judgment obtained against any such Debtor, the Person obtaining the same, shall be considered in every Respect as another Creditor, whose Debt was due before the Delivery of the Petition: But if in the Space of One Year and a Half after the Petition is delivered, no Judgment shall be obtained

If the Debtor has become Bail before the Delivery of his Petition, a sufficient Sum for this Purpose to be added to the Account of his Debts, and the Person obtaining Judgment to be considered as a Creditor.

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againſt the Inſolvent, the Monies ſo reſerved ſhall be divided among the other Creditors in the ſame Manner as the Reſt of the Inſolvent's Eſtate, and the Inſolvent ſhall be diſcharged from all Obligations as Bail, in the ſame Manner as if the Sum ſo annexed to the Account of his Creditors were paid. If Judgment ſhall be obtained againſt ſuch Debtor as Bail for any Sum, within One Year and a Half after the Petition is delivered, and after the Diviſion of his or her Effects, among his or her Creditors, and the ſaid Debtor ſhould have omitted either wholly, or in Part, to annex the ſaid Sum to the Account delivered, the Perſon obtaining ſuch Judgment, ſhall recover againſt the ſaid Debtor, either for the Whole, or the Part omitted, as the Caſe ſhall happen to be, ſo much as the other Creditors of the ſaid Debtor ought to have received for a like juſt Debt, and no more. **Provided always**, That the Sum for which Judgment is obtained againſt ſuch Debtor, being added to the Account of his or her Creditors, and of the Monies owing them, before directed to be given, the Debts owing by him or her to the petitioning Creditors, ſhall ſtill appear to have been Three-fourths of all that was owing by the ſaid Debtor.

Proviſo.

Creditors whoſe Debts are not payable till after the Delivery of the petition, to be conſidered as other Creditors, on the rebatement of Intereſt at 7 *per Cent.*

IV. **Be it further Enacted**, That all other Perſons who have given Credit to ſuch an Inſolvent Debtor, on a valuable Conſideration, for any Sum of Money, or other Matter or Thing which is, or ſhall not be due or payable at or before the Time of the Delivery of the Petition, ſhall and may be admitted and conſidered as Creditors whoſe Debts are then due, and ſhall receive a Dividend of the Inſolvent's Eſtate, in the ſame Proportion as the other Creditors, deducting thereout only a Rebate of Intereſt, at the Rate of *Seven per Cent.* for what ſhall be received on ſuch Debts, to be computed from the actual Payment thereof, to the Time they would have become due.

Powers to the Aſſignees to ſell and diſpoſe of the Eſtate for the Uſe of the Creditors.

The firſt Diviſion to be made within a Year and an Half on three Months publick Notice.

The ſecond Diviſion in one Year thereafter, and the Remainder from Year to Year.

V. **And be it further Enacted** *by the Authority aforeſaid*, That ſuch Aſſignee or Aſſignees, ſhall have full Power and Authority to diſpoſe of all Eſtates which ſhall be aſſigned to him or them, or which ought, by Virtue of this Act to be aſſigned to him or them, to execute good and ſufficient Deeds for the ſame, to redeem all Mortgages, and Conditional Contracts, and to recover in his, or their own Names, every Thing belonging or appertaining to the Eſtates real and perſonal, of ſuch Debtor; and ſhall have full Power and Authority, by and with the Conſent of a major Part of the Petitioners, in Reſpect of the Amount of their juſt Demands on the ſaid Debtor, to refer to Arbitration, ſettle, compound, or agree with any Perſon indebted to ſuch Debtor, in ſuch a Manner as ſhall from Time to Time be agreed upon between them; and ſhall proceed to convert the Eſtate or Eſtates of every ſuch Debtor into Money as ſoon as conveniently may be, and ſhall within the Space of One Year and a Half, proceed to make a Diviſion of all the Money which ſhall come to his or their Hands of the Eſtates aforeſaid, firſt giving Three Months Notice of the Time and Place of making it, by advertiſing the ſame in one or more of the publick News Papers; and if the Whole be not then ſettled, ſhall, within the Space of One Year thereafter, make a ſecond Diviſion of what Monies may come to his or their Hands after the firſt Diviſion, and ſo from Year to Year till a final Settlement thereof, and a juſt and equal Diviſion of the whole Eſtate be made.

In what Manner the Debts of Creditors ſhall be aſcertained.

VI. **And be it further Enacted** *by the Authority aforeſaid*, That the Aſſignees ſhall, at leaſt one Month before a Diviſion be made, appoint a Day by advertiſing the ſame in one or more of the publick News Papers, for a general Meeting of all ſuch Creditors as ſhall chooſe to attend, to examined and aſcertain the Debts due to each Creditor; and in Caſe of any Controverſy relating to ſuch Debts, it ſhall be determined in the following Manner: The

Aſſignees

Assignees shall nominate two Referrees, not being Creditors of the Insolvent, and the Creditor whose Debt is in Controversy shall nominate two others, and their Names shall be separately written on four Pieces of Paper, as nearly of the same size as possible, which shall be rolled up in the same Manner, and put into a covered Box, and from thence one of the Assignees shall draw out Three of the said Pieces of Paper, and the Persons whose Name are so drawn, shall finally settle such Controversy; and if any Referree so appointed shall refuse, or be incapable of acting in a reasonable Time, a new Choice shall be made in the same Manner; and in case any such Creditor shall refuse to nominate Referrees on his Part, the Assignees are hereby impowered to nominate them for him.

VII. **And be it further Enacted** *by the Authority aforesaid*, That in case any such Debtor is, or shall be seized of any real Estate in Fee-tail, in Possession, Reversion, or Remainder, (except the said Estate be so entailed by the King's Majesty, his Predecessors, or Successors, and the Reversion remaining in his Majesty, or his Heirs, or Successors) that the Assignee or Assignees shall have Power, in order to save the Trouble and Expence of a common Recovery, to grant, sell, and dispose of all such Estates, and make a good Title for the same, in Fee-Simple, to any Purchaser of the same: And all Persons who do, or shall claim any Right, Title, or Interest in, and to the said Estate or Estates, by Virtue of such Entail, shall be, and are hereby effectually barred from claiming or recovering the same.

Assignees impowered to sell entail'd Estates, (except entailed by the King, &c.) without the Formality of a common Recovery,

and persons claiming by Virtue of such Entail, barred.

VIII. **And be it further Enacted**, That the Assignees appointed by Virtue of this Act, shall have Power, by and with the free and voluntary Consent of the Insolvent's Wife, to dispose of his real Estate, discharged and free of any Claim of Dower by her; neither shall any Widow of an insolvent Debtor, receive or claim her Dower in any real Estate sold by the Assignees of her Husband's Estate, before the Nineteenth Day of *February*, in the Twenty-ninth Year of his late Majesty's Reign, providing the said Assignees were regularly appointed and nominated by Virtue of any of the Acts by this Act repealed.

Assignees, with consent of debtor's wife, may dispose of his real estate discharged of Dower; and all widows of debtors whose estates have been sold by assignees before the 19th Feb. in 29th George 2d, debarred of Dower.

IX. **And be it further Enacted** *by the Authority aforesaid*, That the Assignee or Assignees shall, immediately after the Assignment, take an Oath, to be administred by the Court, or any one of the Judges, well and faithfully to manage the Insolvent's Estate, and keep, and render a true Account of all that shall come to his or their Hands of the same; and for that Purpose, shall keep regular Books of Accounts, to which every Creditor, at all reasonable Times, may have Recourse; and for the Care and Trouble incumbent on the Assignees, they shall be allowed out of the Insolvent's Estate, such a Consideration as the Petitioners, or a major Part of them, shall agree and fix upon.

Assignees to take an Oath for the faithful Discharge of their Trust, and to render account.

Allowance to the Assignees.

X. **And be it further Enacted** *by the Authority aforesaid*, That for the more full Discovery of the Estates of such Debtors, the Court, or any one of the Judges, at the Request of the Assignees, shall have full Power, and are hereby required to Summons, and examine on Oath, the Wife of such Debtor, and every other Person whatsoever, known or suspected to detain any Part of the said Debtor's Estate, or to be indebted to it; and in case any Person on such Summons, shall refuse to attend, having no reasonable Excuse, or shall refuse to be sworn, or if a Quaker, to affirm, then it shall and may be lawful for the said Court, or any of the Judges, to commit the Person refusing to Gaol, till he or she shall submit to be examinid concerning what they know relating to such Insolvent's Estate or Effects; and if any such Person shall wilfully

Power to the Assignees to examine Persons on Oath, for the Discovery of the Debtor's Effects or Estate.

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wilfully and knowing, affirm or ſwear falſely, the Perſon ſo offending ſhall be liable to the ſame Pains and Penalties as thoſe are who are convicted of wilful and corrupt Perjury.

No Suit in Equity to be commenced by the Aſſignees, but by Conſent of the Petitioners.

XI. **Be it further Enacted,** That no Suit in Equity ſhall be commenced by any Aſſignee, without the Conſent of the Majority of the Petitioners, with Reſpect to the Amount of their Debts as aforeſaid, at a Meeting held for that Purpoſe: And if any Creditor ſhall neglect or refuſe to give Notice of, and prove his or her Debt within One Year and a Half after the Aſſignment, and a Diviſion of the whole Eſtate be made, ſuch Creditor ſhall not be intituled to a Dividend, and the whole Money ſhall be divided by the Aſſignees among the other Creditors; but in caſe the Whole of ſuch Debtor's Eſtate ſhall not be divided and ſettled by the Time hereby appointed for the firſt Diviſion, and ſuch Creditor ſhall prove his Debt before the Time appointed for the ſecond Diviſion, then ſuch Creditor ſhall before a ſecond Diviſion be made among the other Creditors, have his firſt Dividend, or ſo much Money as he would have been intituled to on the firſt Diviſion, had his Debt then been proved; but no Creditor ſhall be admitted to prove his Debt, in order to intitle himſelf to a Share in the Inſolvent's Eſtate after the ſecond Diviſion, but ſhall by this Act be debarred from any Share thereof.

Creditors not proving their Debts to loſe their Share of the firſt Dividend,

But to be paid out of the ſecond Dividend, proving their Debts.

Creditors excluded after the ſecond Dividend.

Debtors diſcharged from all Debts due before Aſſignment, and if ſued may give the ſpecial Matter in Evidence.

XII. **And be it further Enacted,** That every ſuch inſolvent Debtor, having given up his or her Eſtate, and conformed in all Things to the Directions of this Act, ſhall be diſcharged from all Debts due at the Time of the Aſſignment, or contracted for before that Time, though payable afterwards; and if proſecuted for any ſuch Debt or Contract, may plead the general Iſſue, and give the ſpecial Matter in Evidence.

Debtors guilty of Perjury, or concealing or receiving their Effects after Aſſignment, to be adjudged guilty of Felony.

XIII. **And be it further Enacted** *by the Authority aforeſaid,* That in caſe any ſuch Debtor ſhall be guilty of Perjury, by concealing any Part of his or her Eſtate or Effects, or ſhall after the Aſſignment of their Eſtates by Virtue of this Act, receive any Debt or Debts due to him or her before, or he or ſhe ſhall ſecret any Part of his or her Eſtate, or any Books or Writings relating thereto, with an Intent to defraud his or her Creditors, ſhall be deemed and adjudged guilty of Felony, without Benefit of Clergy; and the Eſtate of ſuch Felon ſhall be divided among his Creditors in the Manner by this Act directed.

If Debtors are arreſted by Proceſs out of the Supreme and Inferior Courts, the Petition to be made only to the former.

XIV. **Be it further Enacted** *by the Authority aforeſaid,* That when any Debtor is arreſted by Proceſs out of the Supreme Court, and alſo by Proceſs out of an Inferior Court, the Petition ſhall only be made to the Supreme Court, or two of its Judges in the Vacation.

What Debts are to be paid before Diſtribution.

XV. **Provided always, and be it Enacted** *by the Authority aforeſaid,* That Debts due from the Inſolvent to his Majeſty, his Heirs and Succeſſors, ſhall be firſt paid, then thoſe due to this Colony, then all Coſts of Suit, Priſon and Gaol Fees, and then deducting all ſuch Coſts, Charges, and Expences as ſhall be neceſſarily laid out and expended by the Aſſignee or Aſſignees, together with their Commiſſions for their Care and Trouble therein, the Reſidue ſhall be equally divided among the Creditors; in which Diviſion no Preference ſhall be given to Debts due by Specialty, or on a Judgment; but if there ſhould be an Overplus after all the Creditors are fully ſatisfied for all their juſt Demands, it ſhall be paid by the Aſſignees to the Debtor, his or her Executors or Adminiſtrators.

No Preference given to Debts due by Specialty or Judgment.

Proviſo.

Provided, That nothing in this Act contained, ſhall be conſtrued to deprive Land-Lords of the Right of diſtraining or ſecuring their Rents, which by Law they had before the making of this Act.

XVI. Be

XVI. **Be it further Enacted**, That if any Person be sued for any Matter or Thing done by this Act, it shall be lawful for him to plead the general Issue, and give the special Matter in Evidence.

Persons sued may plead the general Issue.

XVII. **Be it further Enacted**, That the Act, entitled, *An* Act *to enable the Creditors of Insolvent Debtors, who are willing to give up their Effects, to dispose of the same for the Benefit of the Creditors, and to release the said Debtors from Imprisonment*; passed in the Twenty-ninth Year of his late Majesty's Reign: Also the Act, entitled, *An* Act *to enable the Assignees of Insolvent Debtors more effectually to dispose of the Estates of such Debtors for the Benefit of their Creditors*; passed in the same Year of his late Majesty's Reign: And also another Act, entitled, *An* Act *for the confirming and rendering effectual the several Assignments, Sales, and Conveyances made of the real Estates of such Insolvent Debtors, who have given up their Effects for the Benefit of their Creditors, in pursuance of an Act, entitled, An* Act *to enable the Creditors of Insolvent Debtors, who are willing to give up their Effects, to dispose of the same for the Benefit of the Creditors, and to release the said Debtors from Imprisonment*: Or in Pursuance of another Act, entitled, *An* Act *to enable the Assignees of Insolvent Debtors more effectually to dispose of the Estates of such Debtors for the Benefit of their Creditors, and for other Purposes therein mentioned*; passed in the Thirty-second Year of his late Majesty's Reign; are all and each of them hereby repealed.

Acts repealed.

Providing, That the Creditors who have signed any Petition in Consequence, and in Pursuance of any of the Acts hereby repealed, shall and may proceed to a final Settlement, in the same Manner as if the said Acts were still in full Force; and all Powers given by the aforesaid Acts, are hereby continued for that Purpose.

Proviso.

XVIII. **And be it further Enacted**, *by the Authority aforesaid*, That this Act shall continue and be in Force until the first Day of *January*, One Thousand Seven Hundred and Sixty-four, as to the Liberties of the Creditors petitioning, and no longer; but shall continue and be in full Force as to the Power of every Court, Person, Assignee or Assignees appointed by this Act, until a full and final Settlement and Division shall be by them made, according to the true Intent and Meaning of this Act.

Continuance of the Act.

CHAP. CCXXVI. (b)

The Acts hereby amended and made valid are Chap. 908, in Vol. 1. and Chap. 18, and Chap. 174, in this Volume.

An ACT *to amend and make valid the Acts therein mentioned.*

Pass'd the 19th May, 1761.

Preamble.

WHEREAS one certain Act, entitled, *An* Act *to prevent Frauds in Debtors*; passed in the Twenty-fifth Year of his late Majesty King *George* the Second's Reign, was intended to be continued by two other Acts: The one entitled, *An* Act *to continue an Act, entitled,* An *Act to prevent Frauds in Debtors, with an Addition thereto*; passed in the Twenty-seventh Year of his said late Majesty's Reign, to the first Day of *January*, in the Year of our Lord One Thousand Seven Hundred and Fifty-four: The other entitled, *An* Act *further to continue an Act, entitled,* An *Act to prevent Frauds in Debtors, together with the Act therein mentioned*; passed in the Thirty-third Year of his said late Majesty's Reign, to the first Day of *January*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty-seven: In both which continuing Acts it is recited, That the first mentioned Act, passed in the Twenty-

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fourth Year, when it ſhould have been recited in them, that it paſſed in the Twenty-fifth Year of his ſaid late Majeſty's Reign, by Reaſon whereof Diſputes and Difficulties may ariſe: To prevent which,

Acts amended and made valid.

I. Be it Enacted *by his Honour the Preſident, the Council, and the General Aſſembly, and it is hereby* Enacted *by the Authority of the ſame,* That the three aforeſaid Acts, and all the Tranſactions and Proceedings thereon, ſhall be, and hereby are Declared and Enacted to be as good, valid and effectual, to all Intents, Conſtructions and Purpoſes whatſoever, as if in the ſaid two continuing Acts it had been recited, That the firſt aforeſaid Act had paſſed in the Twenty-fifth Year of his ſaid late Majeſty's Reign; any Thing in the ſaid two continuing Acts to the Contrary notwithſtanding.

CHAP. CCXXVII.

Obſolete.

An ACT *to enable the Supervizors of the County of* Weſtcheſter, *to raiſe the Sum of* One Thouſand Six Hundred and Six Pounds, *due from the ſaid County, on the Act therein mentioned.*

Paſs'd the 19th May, 1761.

CHAP. CCXXVIII.

Obſolete.

An ACT *to empower and enable the Mayor, Aldermen, and Commonalty of the City of* Albany *for the Time being, or the major Part of them, to order the raiſing a Sum not exceeding* One Hundred and Fifty Pounds, *by a Tax on Eſtates real and perſonal in the ſaid City.*

Paſs'd the 19th May, 1761.

CADWALLADER COLDEN, Eſq; Lieut. Governor.

The Twenty-firſt ASSEMBLY.

THIRD SESSIONS.

CHAP. CCXXIX.

Obſolete.

An ACT *providing for One Hundred and Seventy-three Volunteers, Officers included, to be employed in protecting the different Poſts on the Frontiers.*

Paſs'd the 11th September, 1761.

CHAP. CCXXX.

An ACT *to prevent Frauds in the Sale of damaged Goods imported into this Colony.*

Paſs'd the 11th September, 1761.

WHEREAS Goods imported here, and inſured in *Great-Britain*, and elſewhere Abroad, are ſometimes ſold in this City for the Account of the Inſurers; and ſome Perſons taking the Advantage of their Abſence, have

have frequently made fraudulent Sales, to the great Prejudice of the Insurers, the undue Gain of the Assured, and Detriment of the Commerce of this Colony: For a Remedy therefore,

I. **Be it Enacted** *by his Honour the Lieutenant Governor, the Council, and General Assembly, and it is hereby* **Enacted** *by the Authority of the same,* That all damaged Goods hereafter to be sold for Account of the Insurers, shall be surveyed by the Master, or one or more of the Wardens of the Port of *New-York* for the Time being, upon the first unlading thereof, or as soon after as the same are discovered to be damaged; and such Sale shall be made in his or their Presence, at Publick Vendue, in the most publick and convenient Place within the said City, advertising the Sale thereof at least Twenty-four Hours before, between the Hours of Ten in the Morning and One in the Afternoon; which said Goods shall be only such as are really damaged in the Judgment of such Master or Wardens, and the Sale thereof shall be in such seperate Pieces or small Parcels at a Time, as such Master or Wardens shall think most for the Interest of the Insurer. And the Person that shall order such damaged Goods to be sold, shall at the Time of the Sale, produce to the Bystanders the Original Invoice of the Sterling Cost of such damaged Goods, as he shall direct to be sold for Accompt of the Insurers, unless such Person do make Oath that no such Invoice is come to his Hands.

Masters and Wardens of the Port of New-York, impowered to survey all insured damaged Goods;

And to see the same sold.

II. **Be it further Enacted** *by the Authority aforesaid,* That of all Sales of damaged Goods for the Accompt of the Insurers, the Vendue Master, or Person acting as such, and Master, or one or more of the Wardens, shall subscribe an Accompt of every Survey, and the Proceedings thereon; and the said Master or Wardens shall give a Certificate to the End, that the true Damage may thereby appear.

Also to subscribe Accounts and Proceedings thereon, and to give Certificates.

III. **Be it also Enacted** *by the same Authority,* That the Master and Warden, or Wardens, shall each receive *Ten Shillings* a Day, for attending the Services above mentioned, to be paid by the Person at whose Request the Sale is made; and for every Certificate, *Eight Shillings*. And that the Vendue Master, or Person acting as Vendue Master, and the Master and Wardens, or either of them offending against this Act, shall for every Offence forfeit the Sum of *Twenty Pounds*. And that no Person shall make any Sale of Goods for Accompt of such Insurers, except in the Manner above directed, nor make any Demand for a Loss, without transmitting or producing the Accompt of the Sales, and Certificate above required, or a true Copy thereof, under the Forfeiture of double the Value of the Amount of such Sales. All and every of which said Penalties and Forfeitures, may be recovered in any Court of Record in this Colony, by Bill, Plaint, or Information, wherein no more than one Imparlance shall be allowed; one Moiety whereof shall be to any Person suing for the same, and the other Moiety to be paid to the Treasurer of this Colony, to be applied towards the Support of Government, in the Manner hereafter to be directed.

Their Reward.

Penalty for Delinquents.

How Penalties to be recovered.

IV. **Be it Enacted** *by the Authority aforesaid,* That this Act shall continue, and be in Force until the First Day of *January,* One Thousand Seven Hundred and Sixty-three.

Continuance of this Act.

CHAP.

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Private, but printed on Account of the laſt Clauſe in the Act.

CHAP. CCXXXI.

An ACT *for naturalizing* John De Liſle, Frederick Frank, *and One Hundred and Forty-eight others, whoſe Names are therein mentioned.*

Paſs'd the 11th September, 1761.

Perſons Names who petition to be naturalized.

WHEREAS John De Liſle, Frederick Frank, Hannes Wohlgemuth, Jacob Schneyder, Ludwick Kraan, Caſper Zollinger, Andreas Zollinger, Jorg Dieffedorf, Hannes Dieffedorf, Hendrick Sander, Felix Mayer, Caſper Bauer, Hendrick Dieffedorf, Jacob Mayer, Andreas Keller, Hans Geerlag Mayer, *jun.* Hannes Eigenbroodt, Johan Geerlag Mayer, Hendrick Heſz, Jorg Roſſener, Frederick Geyger, Frederick Blank, Hannes Jordan, *jun.* Jacob Rother, Michael Sneyder, Ulrick Schad, Theodorus Schad, Hendrick Mayer, Caſper Jordan, *jun.* Peter Muller, Solomon Mayer, Jacob Seeber, Johannes Schall, Georg Sprecher, Joſeph Mayer, Johannes Planſz, Coenraad Hahn, Hendrick Eckler, Andreas Duſler, Johannes Sieffert, Chriſtopher Hagerman, Paul Hoogſtraſer, Johan Chriſtopher Armbriſter, Henry Shopf, Ludwick Elſhever, Hendrick Dencker, Hannes Barent, Johannes Valentine Caſparus, Johan Jury Cookenham, Hens Marquat, Anthony Poucher, Chriſtian Tadrick, Jacob Weger, George Rim, André Marcinhas, Francis Bryer, Stephanus Frank, Hendrick Haberman, Johannes Ehl, Jacob Haberman, Martin Sperbeck, William Spornheir, William Heyns, Frederick Coenraad, Chriſtian Cooper, Johan Hendrick Smith, Wilhelmus Smith, John Theil, Hans Jacob Baſtiank, Fredrick Mohr, Cornelius Rankel, Anthony Siemon, David Ruſs, Jacob Vollenwyſer, Hans Jury, Tobias Liebhardts, Johannis Baſtianſe, Elias Garlof, Godfried Shoemaker, George Sbrecker, Johannis Ritſman, Martin Sbrecker, Coenraad Sbrecker, Johannes Schal, George Stam, Lourens Stam, George Stam, *jun.* Hendrick Dege, William Seeber, Johan Nicholas Smith, Johannes Smith, George Cling, Jacob Seeber, *jun.* Ernſt Peker, Johannes Part, Hindrick Rorig, Coenraad Leber, Hans Kern, George Kernwaner, Philip Herwagen, Peter Homan, Frans Friva, Leonard Payer, Frederick Ceywids, Hans Fredericks, Johan Wick, Johan Letrer, Chriſtian Caaf, Chriſtian Schel, Hendrick Boom, Caſper Manck, George David Durot, Peter Servis, Chriſtopher Servis, Coenraad Smith, John Knafe, Jacob Knafe, *jun.* Hans Kitts, Jacob Kitts, Hannes Apple, Hannis Rice, Hendrick Buſſard, Philip Frederick, Paul Reiter, Adolph Young, John Alt, Chriſtopher Lening, John Albrandt, John Walter, John Wincle, Auguſtus Eckler, John Everhardt Koghnot, John Everhardt Koghnot, *jun.* Baſtiaan Steenrnier, Abraham Ecker, George Ecker, Jacob Sever, Philip Baam, Conſtyn Golneck, Anthony Simmons, Godfrey Leydebach, Peter Muttee, Johannes Covert, Eliardus Weſterlo, Ernſt Ludewig Lende, Benjamin Lindner, George Leonard, Andreas Reigler, Adam Deets, William Deets, and Karel Crepper,----- Have by their ſeveral Petitions preſented to the General Aſſembly, deſired that they may be naturalized, and become his Majeſty's Liege Subjects, that they may be enabled immediately to execute their Purpoſe of purchaſing Lands, and becoming Settlers in this Colony:

Who are declared to be naturalized, and to enjoy all the Privileges and advantages which his Majeſty's other Subjects enjoy in this Province.

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the above-mentioned ſeveral Perſons, and each and every of them ſhall be, and hereby are declared to be naturalized, to all Intents, Conſtructions and Purpoſes whatſoever; and from henceforth, and at all Times hereafter, ſhall be intituled to have and enjoy all the Rights and Liberties, Privileges and Advantages, which his Majeſty's natural born Subjects in this Colony have and enjoy, or ought to have and enjoy as fully to all Intents and Purpoſes whatſoever, as if all and every of them had been born within this Colony.

Firſt ſubſcribing the Teſt, and taking the Abjuration Oath.

II. **Provided always, and it is hereby further Enacted** *by the ſame Authority,* That all and every and each of the above mentioned Perſons, ſhall take the Oaths appointed by Law, inſtead of the Oaths of Allegiance and Supremacy, ſubſcribe the Teſt, and make, repeat, ſwear to, and ſubſcribe the Abjuration

Abjuration Oath, in any of his Majesty's Courts of Record within this Colony: Which Oaths the said Courts are hereby required, upon Application to them made, to administer, take Subscriptions, and cause the Names of the Persons so swearing and subscribing, to be entered upon Record in the said Courts. And the said before mentioned Persons are, each of them, hereby required to pay the several Sums herein after mentioned, *that is to say*; To the Speaker of the General Assembly, the Sum of *Ten Shillings*; to the Judge of the Court, the Sum of *Six Shillings*; and to the Clerk of such Court, the Sum of *Three Shillings*.

And if they demand a Certificate of their being recorded, the Court in which it was made, is ordered to grant it.

III. **And be it further Enacted** *by the Authority aforesaid*, That if the said Persons, or any of them, having so sworn and subscribed as aforesaid, shall demand a Certificate of his or their being entered upon Record, in the Manner herein before directed, the Court or Courts in which such Oaths and Subscriptions shall be made, are hereby directed and required to grant such, under the Hand of the Judge, and the Seal of the said Court or Courts, in which such Oaths and Subscriptions as aforesaid shall be made, countersigned by the Clerk of the said Court. For which Certificate, each of them shall pay over and above the Sums before mentioned, the Sum of *Six Shillings*, one Half to the Judge of such Court or Courts, and the other Half to the Clerk thereof: Which Certificate or Certificates shall at all Times be to the Person or Persons therein named, a sufficient Proof of his or their being naturalized by Virtue of this Act, in as full and effectual a Manner as if the Record aforesaid was actually produced by the Person or Persons so named in such Certificates.

Proviso.

IV. **Provided always, and be it further Enacted** *by the Authority aforesaid*, That such of the Persons hereby naturalized as shall not take the Oaths, Test and Abjuration, in Manner herein before directed, within Twelve Months next after the Publication hereof, shall have no Manner of Benefit by this Act; any Thing herein contained to the contrary notwithstanding.

Printer's Injunction.

V. **And be it Enacted** *by the Authority aforesaid*, That the publick Printer of this Colony shall, and hereby is directed and required to print this Act, as if the same were a publick Act of this Colony.

CHAP. CCXXXII.

An ACT *further to continue an Act, entitled,* An *Act for granting to his Majesty the several Duties and Impositions on Goods, Wares, and Merchandizes imported into this Colony therein mentioned.*

See Chap. 204.

Pass'd the 31st December, 1761.

WHEREAS the several Duties and Impositions on Goods, Wares, and Merchandizes imported into this Colony, and granted for the Support of the Government of his late Majesty King *George* the Second, by the above-mentioned Act, have, by several subsequent Acts, been continued to the first Day of *January* next: And the General Assembly being willing to make Provision for the further Support thereof;

Act continued.

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby* **Enacted** *by the Authority of the same*, That the above-mentioned Act, entitled, *An* Act *for granting to his Majesty the several Duties and Impositions on Goods, Wares and Merchandizes imported into this Colony therein mentioned*; passed in the Twenty-seventh Year

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of his ſaid late Majeſty's Reign, ſhall be, and hereby is continued; and every Clauſe, Matter and Thing therein contained, Enacted to be and remain in full Force, to all Intents, Conſtructions and Purpoſes whatſoever, from the ſaid Firſt Day of *January* next, until the firſt Day of *January*, which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-three, both Days incluſive.

CHAP. CCXXXIII.

Private.

An ACT *for the Payment of the Salaries and Services of the ſeveral Officers of the Government, to the firſt Day of* September *One Thouſand Seven Hundred and Sixty-two.*

Paſs'd the 31ſt December, 1761.

CHAP. CCXXXIV.

An ACT *further to continue an Act, entitled, An Act for regulating the Militia of the Colony of* New-York, *together with the ſeveral Acts therein mentioned, reſpecting the regulating the Militia.*

See Chap. 206.

Paſs'd the 31ſt December, 1761.

BE it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Act aforeſaid, entitled, *An* Act *for regulating the Militia of the Colony of* New-York, paſſed in the Twenty-eighth Year of his late Majeſty's Reign: As alſo one other Act, entitled, *An* Act *to continue an Act, entitled* An *Act for regulating the Militia of the Colony of* New-York, *with ſome Additions thereto,* paſſed in the Twenty-ninth Year of his late Majeſty's Reign: As alſo one other Act, entitled, *An* Act *to amend an Act, entitled,* An *Act for regulating the Militia of the Colony of* New-York, paſſed in the Thirtieth Year of his late Majeſty's Reign: And likewiſe one other Act, entitled, *An* Act *further to continue an Act, entitled an Act for regulating the Militia of the Colony of* New-York, *together with the two Acts therein mentioned, reſpecting the regulating the Militia of* New-York, *with an Addition thereto*; paſſed in the Thirty-ſecond Year of his late Majeſty's Reign, ſhall be, and hereby are continued; and every Clauſe, Article, Matter, and Thing in the ſaid four Acts contained, enacted to be and remain in full Force and Virtue, to all Intents, Conſtructions and Purpoſes whatſoever, from the firſt Day of *January* next, until the firſt Day of *January* which will be in the Year of our Lord One Thouſand Seven Hundred and Sixty-three.

Act continued.

CHAP. CCXXXV.

An ACT *further to continue the Currency of the Bills of Credit emitted by Virtue of an Act, entitled, An Act, for emitting Bills of Credit for the Payment of the Debts, and for the better Support of the Government of this Colony, and other Purpoſes therein mentioned; paſſed in the Eleventh Year of his late Majeſty's Reign.*

See Chap. 666, Vol. 1.

Paſs'd the 31ſt December, 1761.

Preamble.

WHEREAS an Act, entitled, *An* Act, *for emitting Bills of Credit, for the Payment of the Debts, and for the better Support of the Government of this Colony, and other Purpoſes therein mentioned*; paſſed in the Eleventh Year

Year of the Reign of his late Majesty King GEORGE the Second, has, by several subsequent Acts been continued and prolonged until the third Tuesday in *April*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty Two. And whereas the Circumstances of the Colony still require the Aid of the Interest Money arising on the Bills of Credit issued by Virtue of the Act first aforesaid, for supporting the Government thereof:

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I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same,* That the Time for which the said Interest Money stands appropriated for the Support of the Government of this Colony, by the last subsequent Act aforesaid, entitled *An* Act, *further to continue the Currency of the Bills of Credit emitted by Virtue of an Act, entitled An Act, for emitting Bills of Credit for the Payment of the Debts, and for the better Support of the Government, of this Colony, and other Purposes therein mentioned,* shall be, and hereby is deferred, removed, and further prolonged, until the third Tuesday in the Month of *April*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty Three; any Thing in any of the aforesaid Acts to the Contrary notwithstanding. And that at the Time last mentioned, One-fourth Part of the Bills of Credit aforesaid, and the Remainder thereof in the next three succeeding Years, shall be paid in, cancelled, and destroyed at the Times, and in the Manner directed in and by an Act, entitled *An* Act *for the more effectual cancelling the Bills of Credit of this Colony*; passed in the Twenty-first Year of his said late Majesty's Reign; and that, as well the said first mentioned Act, as one other Act, entitled *An* Act *to facilitate and explain the Duty of the Loan-Officers in this Colony*; passed in the said Eleventh Year of his said late Majesty's Reign; and every the Clauses, Matters, Articles, and Things in them contained, shall be, and hereby are Enacted to continue and remain in full Force and Virtue, to all Intents, Constructions and Purposes whatsoever, until the third Tuesday in *April*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty Six; any Thing in the said Acts to the Contrary notwithstanding.

The Time for which the Interest Money stands appropriated for the Support of the Government of this Colony, prolonged.

II. **And be it Enacted** *by the Authority aforesaid,* That the said Bills, during the Time they are hereby enacted to remain current, shall continue to be put out at Interest, in the same Manner and Method as in the said first mentioned Act is directed; and that all the Interest Money which may arise on them during that Time, shall from Time to Time, be employed to and for the Support of the Government of this Colony, in such Manner as shall by Act or Acts hereafter to be passed for that Purpose, be ordered and directed, and not otherwise; except so much thereof as may be necessary for sinking and cancelling the Sum of *Eight Thousand and Fifty Nine Pounds Fourteen Shillings and Eleven-pence,* emitted in Bills of Credit by Virtue of the Act first aforesaid, for paying the Debts then due from this Colony.

During which Time the said Bills to be put out on Interest.

III. **And be it Enacted** *by the Authority aforesaid,* That the Loan-Officers of the several Cities and Counties within this Colony, for the Time being, shall be, and hereby are fully impowed and authorized to alter the Form of all such Mortgages as shall by them, or any of them hereafter, be taken in any of their Offices, in Relation to the Time and Times of Payment, in such Manner as to make the same answerable to the true Intent and Meaning of this Act; any Thing in any of the aforesaid Acts to the Contrary notwithstanding.

The Loan Officers impowered to alter the Form of Mortgages, to answer the Intent of this Act.

IV. **And be it Enacted** *by the Authority aforesaid,* That whensoever the Loan-Officers of the several Cities and Counties within this Colony, shall from the Information of any of the Supervizors in the respective Counties of this

And if they suspect the Insufficiency of Sureties, to demand Payment of the prin-

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this Colony, or from the Information of the Juſtices and Veſtrymen of the City of *New-York*, or the major Part of them, have ſufficient Reaſon to ſuſpect the Inſufficiency of any of the Securities taken, or to be taken, for any Sums of Money lent, or to be lent, out of any of the reſpective Offices, either as to the Value or Title of the ſaid Securities, they the ſaid Loan-Officers, ſhall be, and hereby are, impowered and required, to demand Payment of the principal Sums, (notwithſtanding the due Payment of the Intereſt thereof) or further ſufficient Security: And upon Failure of the due Payment of ſuch principal Sums, or refuſing or neglecting to give further ſufficient Security within Fourteen Days after ſuch Demand made, to proceed to the Sale of the mortgaged Lands, or ſuch other Remedy as is given by the firſt aforeſaid Act, according to the Nature of the Caſe, and therein to purſue the Rules and Directions preſcribed in and by the ſaid Act; any Thing therein contained to the contrary notwithſtanding.

eipal Sums, notwithſtanding the due Payment of the Intereſt thereof, or further ſufficient Security:

And upon Failure of Payment to ſell the mortgaged Lands.

V. And be it further Enacted *by the Authority aforeſaid*, That if any of the Perſons who became Securities for the Loan-Officers, purſuant to the firſt aforeſaid Act, ſhall be deſirous of being diſcharged from continuing longer under their ſaid Engagements, they ſhall give Notice thereof in Writing, unto the Supervizors of the reſpective Counties, or to the Mayor and Aldermen of the reſpective Cities, where they ſtand engaged, between the firſt Tueſday in *February*, and the firſt Tueſday in *March*, in the Year One Thouſand Seven Hundred and Sixty-two. And the ſaid Supervizors, or Mayor and Aldermen, or the major Part of them reſpectively, ſhall immediately thereafter, give Notice in Writing to the reſpective Loan-Officers, whoſe Sureties ſo deſire to be diſcharged, That he or they do, by the firſt Tueſday in *April*, then next following, provide and give new Security. And in Caſe any of the Loan-Officers aforeſaid, ſo notified as aforeſaid, ſhall fail of giving new Security, to the Satisfaction of the ſaid Supervizors, or Mayor and Aldermen, or the major Part of them reſpectively, by the ſaid Days, then the ſaid Supervizors, or Mayor and Aldermen, or the major Part of them reſpectively, ſhall proceed to the Choice of a new Loan-Officer or Loan-Officers, in the Room and Stead of ſuch ſo failing; And in their Proceedings thereon, ſhall purſue the Directions of the firſt aforeſaid Act, with Reſpect to the Choice of new Loan-Officers in the ſeveral Caſes therein mentioned; any Thing in this or the aforeſaid Acts to the contrary notwithſtanding.

If any of the Loan Officers Securities be deſirous to be diſcharged from their Engagements, to give Notice thereof,

And others are to be provided.

CHAP. CCXXXVI.

Not printed, as it will expire by the Time this Volume is edited.

An ACT *to regulate the collecting the Duty of Exciſe on Strong Liquors retailed in this Colony, from the firſt Day of* January, *One Thouſand Seven Hundred and Sixty-two, to the firſt Day of* January, *One Thouſand Seven Hundred and Sixty-three.*

Paſs'd the 31ſt December, 1761.

CHAP.

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CHAP. CCXXXVII.

An ACT *more effectually to impower the Truſtees of Fraudulent and abſconding Debtors, appointed or to be appointed, purſuant to an Act, entitled,* An *Act to prevent Frauds in Debtors, to exerciſe the Powers they are, or may be inveſted with, and for more effectually extending the ſaid Act to Creditors not reſiding within this Colony.*

See Chap. 908, vol. 1.

Paſs'd the 31ſt December, 1761.

Preamble.

WHEREAS in and by the Sixth Clauſe or Section of a certain Act of the Governor, the Council, and the General Aſſembly, entitled, *An* Act *to prevent Frauds in Debtors*; paſſed in the Twenty-fifth Year of the Reign of his late Majeſty King *George* the Second; it is among other Things Enacted, That the ſaid Truſtees therein mentioned, or any two of them, ſhall be, and thereby are fully impowered to ſettle and adjuſt all Matters and Accounts that may be ſubſiſting between the ſaid abſconding Perſon or Perſons, and his, her, or their Creditor or Creditors; and to examine any Perſon or Perſons upon Oath, concerning ſuch Account and Settlements: Which Oath the ſaid Truſtees, or any two of them, are thereby impowered and required to adminiſter. And whereas the ſaid Clauſe or Section hath been found deficient, as well with Reſpect to the Method of ſummoning the Perſon ſo to be examined as aforeſaid, as with Reſpect to the not impowering the ſaid Truſtees to ſummons before them, and to examine all ſuch Perſon or Perſons who ſhall conceal any of the Effects of ſuch Debtor or Debtors, or who ſhall know any Thing concerning ſuch Concealment; by Means whereof ſeveral Perſons who could materially depoſe or affirm, concerning the Eſtate and Effects of ſuch Debtors, have refuſed to attend for that Purpoſe; and the good Intent of the Legiſlature in the above recited Part of the ſaid Act, hath been, in a great Meaſure, eluded. To Remedy which Defect for the Future;

The Truſtees of Debtors Eſtates, impowered to call and examine before a Magiſtrate, all Perſons ſuſpected of detaining any Part of ſuch Eſtates:

I. Be it Enacted *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby* Enacted *by the Authority of the ſame*; That it ſhall and may be lawful for the Truſtees of any Debtor's Eſtate already appointed, or hereafter to be appointed, by Virtue of the ſaid Act, or the Majority of them, to apply to any Juſtice of the Peace; who is hereby authorized and required, to grant a Warrant under his Hand and Seal, commanding the Wife of ſuch Debtor, and every other Perſon whatſoever, known or ſuſpected to detain any Part of the ſaid Debtor's Eſtate, or to be indebted to it, or knowing, or ſuſpected to know, any Thing concerning the Concealment or Embezzlement thereof, by their reſpective Names, forthwith to be brought before ſuch Juſtice and Truſtees, at ſuch Place as the ſaid Juſtice and Truſtees, or the Majority of them, ſhall, at the Time of the Application for ſuch Warrant, appoint; where the ſaid Juſtice of the Peace is alſo hereby required to be preſent; or in Caſe of his Death, Abſence, or Indiſpoſition, ſuch other Juſtice of the Peace as the ſaid Truſtees, or the Majority of them, ſhall deſire to be preſent: At which Meeting the ſaid Truſtees, or the major Part of them, ſhall and may examine, on Oath, or if a Quaker, on his or her Affirmation, (which Oath or Affirmation, the ſaid Juſtice of the Peace is hereby required to adminiſter) as well by Word of Mouth, as on Interrogatories in Writing, all and every Perſon or Perſons brought before the ſaid Juſtice and Truſtees, by Virtue of ſuch Warrant or Warrants; or are preſent at any ſuch Meeting of the ſaid Juſtice and Truſtees, or the major Part of them, touching all Matters relative to the Perſon, Trade, Dealings, Eſtate and Effects, of all and every ſuch Debtor or Debtors; and alſo to take down or reduce into

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Writing, the Anſwers of every ſuch Perſon, had, or taken before them as aforeſaid. Which Examination ſo taken down, or reduced into Writing, the Perſon examined ſhall, and is hereby required to ſign and ſubſcribe. And in Caſe any Perſon ſo brought before them the ſaid Juſtice and Truſtees, or the major Part of them, ſhall refuſe to be ſworn, or if a Quaker, to affirm, as aforeſaid; or being ſworn or affirmed, ſhall refuſe to anſwer, or ſhall not fully anſwer, to the Satisfaction of the ſaid Juſtice and Truſtees, or the major Part of them, all lawful Queſtions put to her, him, or them, by the ſaid Juſtice and Truſtees, or the major Part of them, as well by Word of Mouth, as by Interrogatories, in Writing; or ſhall refuſe to ſign or ſubſcribe his, her, or their Examination ſo taken down in Writing as aforeſaid, not having a reaſonable Objection to either the wording thereof, or otherwiſe, to be allowed by the ſaid Juſtice and Truſtees, or the Majority of them; it ſhall and may be lawful, to and for the ſaid Juſtice of the Peace, and he is hereby required, by Warrant under his Hand and Seal, to commit him, her, or them to Priſon, there to remain, without Bail or Mainprize, until ſuch Time as ſuch Perſon or Perſons ſhall ſubmit him, her, or themſelves to the ſaid Juſtice and Truſtees, to be ſworn or affirmed as aforeſaid, and full Anſwer to make, to the Satisfaction of the ſaid Truſtees, or the major Part of them, together with the ſaid Juſtice of the Peace, to all ſuch Queſtions as ſhall be put to him, her, or them as aforeſaid, and to ſign and ſubſcribe ſuch Examination as aforeſaid, according to the true Intent and Meaning of this Act. **Provided always**, That in Caſe any Perſon or Perſons ſhall be committed as aforeſaid, for refuſing to be ſworn or affirmed, or to anſwer, or not fully anſwering, any Queſtion or Queſtions put to him, her, or them by the ſaid Juſtice and Truſtees, or the major Part of them, by Word of Mouth, or on Interrogatories, that the ſaid Juſtice of the Peace ſhall, in his Warrant of Commitment, ſpecify ſuch Default reſpectively; and if the Commitment be for refuſing to anſwer any Queſtion, or Interrogatory the ſaid Juſtice ſhall, in his Warrant, ſpecify ſuch Interrogatory, or Interrogatories, Queſtion, or Queſtions. **Provided alſo**, That in Caſe any Perſon or Perſons committed by ſuch Warrant, by Virtue of this Act, ſhall bring any *Habeas Corpus*, in order to be diſcharged from any ſuch Commitment; and on the Return of any ſuch *Habeas Corpus*, there ſhall appear any ſuch Inſufficiency whatſoever in the Form of the Warrant, whereby ſuch Perſon was committed, by Reaſon whereof the Party might be diſcharged of ſuch Commitment; that then it ſhall and may be lawful for the Court, or Judge, before whom ſuch Party ſhall be brought by *Habeas Corpus* as aforeſaid, and ſuch Court, or Judge, ſhall, and is hereby required, by Rule, Order, or Warrant, to commit ſuch Perſon or Perſons to the ſame Priſon, there to remain as aforeſaid, unleſs it ſhall be made appear to ſuch Court or Judge, by the Party committed, that he, ſhe, or they have fully anſwered all lawful Queſtions put to him, her, or them by the ſaid Juſtice and Truſtees, or the major Part of them; or in Caſe ſuch Perſon was committed for not ſigning his, her, or their Examination, unleſs it ſhall appear to ſuch Court, or Judge, that the Party ſo committed, had a good and ſufficient Reaſon for refuſing to ſign the ſame. And in Caſe any Gaoler, or Keeper of any Priſon to whom ſuch Perſon or Perſons ſhall be committed as aforeſaid, ſhall wilfully ſuffer ſuch Perſon or Perſons to eſcape from ſuch Priſon, until he, ſhe, or they ſhall be duly diſcharged as aforeſaid, ſuch Gaoler or Keeper ſhall, for ſuch his Offence, being duly convicted by Indictment or Information, forfeit to the Creditor or Creditors of ſuch abſconding Perſon or Perſons, all ſuch Sum or Sums of Money due to ſuch Creditors, provided they do not exceed the Sum of *One Thouſand Pounds*.

And on their refuſing to be ſworn, or to anſwer to Satisfaction, all lawful Queſtions, and to ſubſcribe their Examination then to be committed to Goal, there to remain until they ſubmit.

Proviſo.

2d Proviſo.

Gaol keepers convicted of ſuffering Perſons to eſcape to forfeit to the Creditors all Sums due, the whole not to exceed 1000l.

II. **And be it further Enacted** *by the Authority aforeſaid*, That in Caſe any ſuch Perſon ſo to be examined as aforeſaid, ſhall wilfully and knowingly affirm, or ſwear falſely, the Perſon ſo offending, ſhall be liable to the ſame Pains and Penalties, as thoſe are who are convicted of wilful and corrupt Perjury.

Puniſhment for ſwearing or affirming falſely.

III. And

2d GEORGE III. A. D. 1761.

III. And be it Enacted, That the first above-mentioned Act, entitled, *An Act to prevent Frauds in Debtors*; shall be, and is hereby extended to Creditors residing out of this Colony; and that the Attorney or Attornies of every such Creditor or Creditors, on producing a Letter of Attorney from such Creditor or Creditors, duly authenticated, and legal Proof of the Debt due, shall and may, in all Respects, act, do, and proceed for, and in the Behalf of such Creditor or Creditors, in the same Manner as such Creditor or Creditors might or could do, for securing or recovering their respective Debts due from absconding Debtors, as if such Creditor or Creditors was or were personally present; any Thing in the said Act to the contrary thereof in any wise notwithstanding.

The *Act to prevent Frauds in Debtors* to extend to Creditors out of this Colony.

CHAP. CCXXXVIII.

An ACT *to impower Sir* William Baker, *Knight, and* Robert Charles, *Esq; of the City of* London, *to receive the Sum that shall be allowed to this Colony by his Majesty, out of the Sum of* Two Hundred Thousand Pounds, *granted by Parliament for the Northern Colonies, for defraying the Expence of the Campaign of the Year One Thousand Seven Hundred and Sixty.*

Pass'd the 31st December, 1761.

Obsolete.

CHAP. CCXXXIX.

An ACT *to impower the Persons therein named, to recover and collect the Arrears of the Excise on Tea due on the Acts therein mentioned.*

Pass'd the 31st December, 1761.

See Chap. 171, ante.

The Printing of this Act was thought unnecessary, as the Acts laying the Excise are expired.

CHAP. CCXL.

An ACT *for the more effectual Prevention of Fires, and for regulating of Buildings in the City of* New-York.

Pass'd the 31st December, 1761.

Preamble.

WHEREAS the frequent Instances of the extensive Destruction made by Fire in many populous Cities, renders it highly necessary to use all possible Precaution against the like Calamities. And there being Reason to apprehend, that great Part of this City, from the Number of the Houses in the same being roofed with Shingles, is peculiarly exposed to the Rage of that dreadful Element;

I. Be it therefore Enacted *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same*, That from and after the first Day of *January*, which will be in the Year of our Lord One Thousand Seven Hundred and Sixty Six, every Dwelling House, or Building whatsoever, whether public or private, that shall be erected after the said first Day of *January*, in the said Year of our Lord One Thousand Seven Hundred and Sixty Six, within the said City, to the Southward of *Fresh-Water*, shall be made of Stone or Brick, and roofed with Tile or Slate: And if any Dwelling House or Building whatsoever, either public or private, shall be built, or roofed, contrary to the true Intent and Meaning of this Act, the Proprietor or Proprietors thereof, and the Workmen who shall

Houses erected in the City of *New York*, after the first *January* 1766 to be made of Stone or Brick, and to be roofed with Tile or Slate.

2d GEORGE III A. D. 1761.

shall build or roof such House or Building, contrary to the true Intent and Meaning of this Act, shall, each of them, forfeit, lose, and pay, for every such Default, the Sum of *Fifty Pounds*; to be levied by Warrant under the Hands and Seals of two or more of his Majesty's Justices of the Peace for the said City and County of *New-York*, by Distress and Sale of the Offenders Goods, upon due Conviction, upon Oath, or upon the View of one or more of such Justices of the Peace; rendering the Overplus, if any be, to the Owners: And for Want of such Distress, the Offender shall be imprisoned, by Warrant from the said two Justices, who are hereby impowered and required to issue such Warrant, until Payment as aforesaid. Which said Forfeitures, shall be paid to the Church-Wardens of the City of *New-York* for the Time being, for the Use of the Poor of the said City. And every such Dwelling House, or other Building whatsoever, so built, or roofed, contrary to the true Intent and Meaning of this Act, shall be, and hereby is, adjudged, deemed, and taken to be a Public Nuisance. **Provided nevertheless**, That if any Dwelling-House or Building already erected, or that shall be erected in the said City to the Southward of *Fresh-Water*, before the said first Day of *January*, which will be in the said Year of our Lord One Thousand Seven Hundred and Sixty Six; shall, at any Time hereafter, require to be new roofed, and the Body or Walls of such Building shall not be sufficient to bear a Roof of Tile or Slate, it shall and may be lawful for the Proprietor or Proprietors thereof, to roof the same with Board or Shingles, or in such other Way and Manner, as was customary before the making of this Act; any Thing herein contained to the contrary thereof in any wise notwithstanding. And in order to determine whether the Body or Walls of such Building be sufficient to bear a Roof of Tile or Slate:

Penalty for Defaulters.

Forfeitures how disposed of.

Buildings erected contrary to this Act to be deemed a publick Nuisance

Proviso, That Buildings Erected before 1766 whose Walls are not sufficient to bear Tile or Slate, may be roofed as was customary.

II. **Be it farther Enacted** *by the Authority aforesaid*, That it shall and may be lawful for the Sheriff of the City and County of *New-York*, for the Time being; and he is hereby required, on the Application of the Proprietor or Proprietors of such Dwelling House, or other Building, to him made for that Purpose, to summons a Jury of Twelve Freeholders of the said City, to inspect and examine the same; who shall be duly sworn, well and truly, to try and determine the same. Which Oath the said Sheriff is hereby authorized and required to administer to each of the said Jury: And if the Majority of such Jury shall find that the Body or Walls of such Dwelling House, or other Building, is not sufficient to bear a Roof of Tile or Slate, they shall sign an Inquisition to that Purpose, together with the said Sheriff; which Inquisition, the said Sheriff shall deliver unto the Proprietor or Proprietors of such Dwelling-House, or other Building; and which Inquisition shall be, and is hereby declared to be good Evidence of such Insufficiency, on any Tryal, upon a Prosecution for roofing such Dwelling-House, or other Building, contrary to this Act. And if the Majority of such Jury shall find, that the Body, or Walls of such Dwelling-House, or other Building, is sufficient to bear a Roof of Tile or Slate, they shall, together with the said Sheriff, sign an Inquisition to that Purpose; which the said Sheriff shall deliver to the Mayor of the said City for the Time being; and which Inquisition shall be, and is hereby declared to be, good Evidence of such Sufficiency on any Trial, upon such Prosecution as aforesaid.

On Application of the Owner of any House, the Sheriff to summon 12 Freeholders to inspect the same; and on their finding the Sufficiency or Insufficiency of any Building, to bear a Tile or Slate Roof to sign an Inquisition accordingly which is to stand good Evidence on any Prosecution for roofing a House contrary to this Act.

III. **And be it farther Enacted** *by the Authority aforesaid*, That every Proprietor or Proprietors of such Dwelling-House, or other Building so inspected as aforesaid, shall pay and satisfy unto the Sheriff for summoning such Jury, and taking such Inquest, the Sum of *Twenty Shillings*.

Sheriffs reward.

IV. AND

2d GEORGE III A. D. 1761.

IV. And whereas the Storing of Pitch, Tar, Turpentine, or Shingles, in any Houſes, Store-Houſes, Cellars, or other Places within this City, may be of very bad Conſequences in Caſe of Fire breaking out at or near the Place where any ſuch Commodities are ſtored: **Be it therefore Enacted** *by the Authority aforeſaid*, That from and after the firſt Day of *May* next, no Pitch, Tar, Turpentine, or Shingles, ſhall or may be put in any Place to the Southward of *Freſh-Water*, other than in ſuch proper Place or Places, to be appointed and approved of by the Mayor, Aldermen, and Commonalty, in Common Council convened, under the Penalty of *Ten Pounds*, for every Offence, or Refuſal to remove the ſame; to be recovered and levied of and from any Perſon or Perſons ſtoring or owning ſuch Pitch, Tar, Turpentine, or Shingles, in Manner and Form, as the Fines on Buildings in this Act are recoverable, for the Uſe of the Poor of the ſaid City.

Pitch, Tar, Turpentine, &c. not to be put in any Place to the Southward of Freſh-Water, but ſuch as the Mayor and Corporation ſhall appoint.

Penalty.

CHAP. CCXLI.

An ACT *to impower and enable the Mayor, Recorder, and Aldermen of the City of* New-York, *for the Time being, or the major Part of them, to order the raiſing a Sum not exceeding* Eighteen Hundred Pounds, *by a Tax on Eſtates real and perſonal in the ſaid City, for fixing of Lamps, and providing a ſufficient Number of Watchmen.*

Paſs'd the 31ſt December, 1761.

WHEREAS the erecting and lighting Lamps in proper Places in each reſpective Ward within the City of *New-York*, to the Southward of *Freſh-Water*, and the hiring a ſufficient Number of Watchmen to guard the ſaid City in the Night Time, and to attend the ſaid Lamps, will be of great Utility and Safety to its Inhabitants:

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the Mayor, Recorder, and Aldermen of the City of *New-York*, for the Time being, or the major Part of them, whereof the Mayor, or Recorder, to be one, ſhall have full Power and Authority, and are hereby fully impowered and authorized, on the ſecond Tueſday in *January* next, to order the raiſing a Sum not exceeding *Eighteen Hundred Pounds*, by a Tax upon the Eſtates real and perſonal, of all and every the Freeholders, Freemen, Inhabitants, Reſidents, and Sojourners, within the City of *New-York*, to the South Side of *Freſh-Water*, for Payment of the Coſt of ſo many Lamps, as the ſaid Mayor, Aldermen, and Commonalty of the ſaid City, ſhall order to be erected in the ſeveral Wards within the ſaid City, to the Southward of *Freſh-Water*, and for providing Oil for the ſame, and for the Payment of ſo many Watchmen, as the ſaid Mayor, Aldermen, and Commonalty ſhall think neceſſary for guarding the ſaid City, and attending the ſaid Lamps: And add the ſaid Sum, to the Sum which ſhall be raiſed for the Miniſter and Poor of the ſaid City. Which Tax ſo to be laid, ſhall be rated and aſſeſſed at the ſame Time, and by the Veſtrymen, who ſhall rate and aſſeſs the Tax for the Miniſter and Poor of the ſaid City; and ſhall be rated together in one Aſſeſſment made of the Whole; The Veſtrymen firſt taking the Oath preſcribed to be taken, in and by an Act, entitled, *An* Act *to enable the Inhabitants of the City* New-York, *to chuſe two Veſtrymen for each reſpective Ward within the ſaid City*; made and paſſed in the Nineteenth Year of the Reign of his late Majeſty King *George* the Second. And the ſaid Tax ſo to be made, ſhall

Corporation of the City of New-York, impowered to raiſe the Sum of 1800 l. on the Inhabitants thereof, to defray the Coſt of fixing of Lamps and paying of Watchmen in the ſaid City.

Manner in which the Tax is to be levied.

2d GEORGE III. A. D. 1761.

ſhall be collected, levied, and paid, at the ſame Time, and in the ſameManner as the Tax for the Maintenance of the Miniſter and Poor of the ſaid City hath been accuſtomed, into theHands of theChurch-Wardens of the ſaidCity for the Time being; who are hereby required and directed to pay the ſame into the Hands of the Chamberlain of the ſaid City, to be by him paid as he ſhall be directed by Warrant or Warrants of the ſaid Mayor, Aldermen, and Commonalty, in Common Council convened, for the Uſes aforeſaid.

Collectors Reward

II. **And be it further Enacted** *by the Authority aforeſaid*, That over and above the ſaid Sum of *Eighteen Hundred Pounds*, to be levied and paid by Virtue of this Act, the Sum of *Three-pence* in the Pound, as a Reward to the Conſtables for their extraordinary Trouble, ſhall be aſſeſſed, levied and paid to the reſpective Conſtables, for collecting and paying the ſame, and no more, according to the true Intent and Meaning of this Act; any Thing herein, or in any other Act or Acts contained to the contrary hereof, in any wiſe notwithſtanding.

Delinquents in the Execution of this Act, how puniſhed.

III. **And be it further Enacted** *by the Authority aforeſaid*, That if the ſaid Mayor, Recorder, or Aldermen, the Church-Wardens, Veſtry-men or Conſtables of the ſaid City of *New-York*, who are hereby authorized, impowered, and required, to take effectual Care that this Act be executed, according to the true Intent and Meaning thereof, or any one of them, ſhall deny, refuſe, or delay to perform, execute, or comply with all or any of the Powers, Authorities, and Duties in this Act given, and required to be done, and performed by them, or either of them, and thereof ſhall be lawfully convicted in any Court of Record within this Colony; he or they ſo denying, refuſing, or delaying to perform the Duties as aforeſaid, ſhall ſuffer ſuch Pains and Penalties, by Fine and Impriſonment, as by the Diſcretion of the Juſtices of the ſaid Court ſhall be adjudged; to be ſued for, and recovered by the Perſon or Perſons aggrieved thereby, or by any other Perſon or Perſons, who ſhall ſue for, and proſecute the ſame to Effect.

Perſons breaking, or injuring the Lamps, to forfeit 20 l.

And for want of Goods whereon to diſtrain, to be impriſoned 3 months unleſs the Fine be ſooner paid.

IV. And to prevent any evil-minded Perſon or Perſons, deſtroying or injuring the ſaid Lamps; **Be it further Enacted** *by the Authority aforeſaid*, That if any Perſon or Perſons ſhall break, or wilfully damage any of the Lamps to be erected by Virtue of this Act, he, ſhe, or they ſo offending, ſhall forfeit the Sum of *Twenty Pounds* for every Offence; to be levied by Warrant or Warrants under the Hands and Seals of two or more of his Majeſty's Juſtices of the Peace for the ſaid City and County of *New-York*, by Diſtreſs and Sale of the Offender's Goods, on due Conviction, upon the Oath of one or more credible Witneſs or Witneſſes, rendering the Overplus, if any, to the Owner or Owners: And for Want of ſuch Diſtreſs, the Offender or Offenders ſhall be impriſoned, by Warrant under the Hands and Seals of the ſaid Juſtices, who are hereby required to iſſue the ſame, for the Space of Three Months, unleſs the ſaid Forfeiture be ſooner paid; to be applied to and for the Uſe and Maintenance of the ſaid Lamps, and paying of the ſaid Watchmen.

The Lamps to be placed as the Corporation ſhall direct.

V. **And be it hereby further Enacted**, That all the aforeſaid Lamps, by Virtue of this Act to be erected, ſhall be placed in ſuch Places, and in ſuch Manner as the aforeſaid Mayor, Aldermen, and Commonalty, ſhall direct: And that all ſuch Watchmen as ſhall be employed to guard the ſaid City, and attend the ſaid Lamps, ſhall be under the Direction, and obey ſuch Orders, as they, from Time to Time, ſhall receive from the ſaid Mayor, Aldermen, and Commonalty; any Cuſtom, Law, or Uſage to the contrary hereof, in any wiſe notwithſtanding.

CHAP.

CHAP. CCXLII.

2d GEORGE III A. D. 1761.

An ACT *to impower and enable the Mayor, Recorder, and Aldermen of the City of* New-York, *for the Time being, or the major Part of them, to order the raising a Sum not exceeding* Seven Hundred Pounds, *by a Tax on Estates real and personal in the said City.*

Obsolete.

Pass'd the 31st December, 1761.

CHAP. CCXLIII.

An ACT *to amend an Act, entitled,* An *Act for regulating, clearing, and further laying out Public Highways throughout the City and County of* Albany.

See Chap. 199.

Pass'd the 31st December, 1761.

WHEREAS in and by the aforesaid Act, passed in the Thirty-third Year of the Reign of his late Majesty King *George* the Second, it is Provided and Enacted, in the seventh Clause or Section. That if any Person or Persons neglect or refuse the Services therein required, shall, for every Day they so neglect or refuse, forfeit the Sum of *Three Shillings*. But it being found by Experience, that the said Sum is not sufficient to compel Persons to work on the said Roads or High-ways;

Preamble.

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby* **Enacted** *by the Authority of the same,* That instead of the said Penalty of *Three Shillings*, every Person or Persons who shall neglect or refuse to work on the said public Roads when thereunto noticed, agreeable to the said Act, they shall, for each Day they so neglect or refuse, forfeit the Sum of *Six Shillings*; to be levied as in and by the said Act is required. Which Penalty or Penalties so levied, shall be imployed in the repairing of the said public High-ways or Roads where such Penalty or Penalties are levied, and to no other Use whatsoever; any Thing contained in this, or any other Act or Acts to the contrary thereof notwithstanding.

Penalty 6 s. for not working on the Roads when warned.

CHAP. CCXLIV.

An ACT *to enable the Supervisors of* Kings *County, to raise the Sum of* Four Hundred and Thirty-one Pounds, *due from the said County on the* **Act therein mentioned.*

Obsolete.
* See Chap. 56.

Pass'd the 31st December, 1761.

CHAP. CCXLV.

An ACT *to prevent transient Persons from selling Goods at Vendue in* Richmond *County.*

Pass'd the 31st December, 1761.

WHEREAS great Inconveniencies have arisen to the Inhabitants of *Richmond* County, by transient Persons coming into it, and exposing Goods and Merchandizes to Sale at Vendue, to the great Detriment of its Inhabitants: For Prevention whereof;

I. Be

2d GEORGE III A. D. 1761.

I. **Be it Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That if any Perſon or Perſons whatſoever, after the Publication of this Act, ſhall expoſe any Goods or Merchandize to Sale at Vendue, Auction, or Outcry, (Goods belonging to the Crown, Lands, Veſſels, Goods, and Effects of deceaſed Perſons, Goods taken in Execution, Houſhold Goods, Utenſils for Huſbandry, Horſes, Cattle, Hogs, and Sheep, only excepted) ſhall, for every ſuch Offence, forfeit the Sum of *Five Pounds*; to be levied by Warrant under the Hand and Seal of any one of his Majeſty's Juſtices of the Peace for the ſaid County, by Diſtreſs and Sale of the Offenders Goods, upon due Conviction, upon Oath, or upon the View of any one of ſuch Juſtices of the Peace; rendering the Overplus, if any be, to the Owner or Owners; and for Want of ſuch Diſtreſs, the Offender ſhall be impriſoned, by Warrant from the ſaid Juſtice, who is hereby impowered and required to iſſue ſuch Warrant, until Payment as aforeſaid. Which ſaid Forfeiture or Forfeitures, ſhall be paid into the Hands of the County Treaſurer, for the Uſe of the Poor of the ſaid County.

Perſons expoſing Goods or Merchandize to Sale at Public Vendue in Richmond County, contrary to the Intent of this Act, to forfeit 5 l.

This Act to continue in Force from the Publication hereof, to the Firſt Day of *January*, One Thouſand Seven Hundred and Sixty-three.

CHAP. CCXLVI.

An ACT *to raiſe, levy, and collect, the Sum of* Eighty Seven Pounds Thirteen Shillings, *in the City and County of* New-York, *for Services performed by the Coroner of the ſaid City and County.*

Obſolete.

Paſs'd the 31ſt December, 1761.

CHAP. CCXLVII.

An ACT *for naturalizing* Chriſtopher Tobias, Andries Zeegaerd, Jacob Lowen, Jury Lowen, George Snyder, Johannes Graeft, Johannes Klyne, George Cramer, Chriſtian Franklin, Jacob Fretz, Ernſt Fretz, David Ehny, Joachin George Ehny, Henrick Kerger, Jacob Whiteman, Caſparus Kock, Rudolph Kock, Albertus Kock, Andries Wiemer, *and* George Watchtel.

Private, but printed in Purſuance of the laſt Clauſe.

Paſs'd the 31ſt December, 1761.

WHEREAS the above-mentioned Perſons have, by their ſeveral Petitions preſented to the General Aſſembly, deſired that they may be naturalized, and become his Majeſty's Liege Subjects:

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the above-mentioned ſeveral Perſons, and each and every of them, ſhall be, and hereby are declared to be naturalized, to all Intents, Conſtructions and Purpoſes whatſoever; and from henceforth, and at all Times hereafter, ſhall be intituled to have and enjoy all the Rights and Liberties, Privileges and Advantages, which his Majeſty's natural born Subjects in this Colony have and enjoy, or ought to have and enjoy, as fully, to all Intents and Purpoſes whatſoever, as if all and every of them had been born within this Colony.

Who are declared to be naturalized, and to enjoy all the Privileges, and Advantages which his Majeſty's other Subjects enjoy in this Provinec.

II. **Provided always, and it is hereby further Enacted** *by the Authority of the ſame,* That all, and every, and each, of the above-mentioned Perſons, ſhall

shall take the Oaths appointed by Law, instead of the Oaths of Allegiance and Supremacy, subscribe the Test; and make, repeat, swear to, and subscribe the Abjuration Oath, in any of his Majesty's Courts of Record within this Colony. Which Oaths, the said Courts are hereby required, upon Application to them made, to administer, take Subscriptions, and cause the Names of the Persons so swearing and subscribing, to be entered upon Record in the said Courts. And the said before-mentioned Persons, are, each of them, hereby required to pay the several Sums herein after mentioned, *that is to say*; To the Speaker of the General Assembly, the Sum of *Ten Shillings*; To the Judge of such Court, the Sum of *Six Shillings*; and, To the Clerk of such Court, the Sum of *Three Shillings*.

First subscribing the Test, & taking the Abjuration Oath.

III. **And be it further Enacted** *by the Authority aforesaid*, That if the said Persons, or any of them, having so sworn and subscribed as aforesaid, shall demand a Certificate of his or their being entered upon Record in the Manner herein before directed, the Court or Courts in which such Oaths and Subscriptions shall be made, are hereby directed and required to grant such, under the Hand of the Judge, and Seal of the said Court or Courts, in which such Oaths and Subscriptions as aforesaid shall be made, countersigned by the Clerk of the said Court: For which Certificate, each of them shall pay, over and above the Sums before mentioned, the Sum of *Six Shillings*; one Half to the Judge of such Court or Courts, and the other Half to the Clerk thereof. Which Certificate or Certificates, shall, at all Times, be to the Person or Persons therein named, a sufficient Proof of his or their being naturalized by Virtue of this Act, in as full and effectual a Manner, as if the Record aforesaid was actually produced by the Person or Persons so named in such Certificates.

And if they demand a Certificate of their being recorded, the Court in which it was made is ordered to grant it.

IV. **Provided also, and be it Enacted** *by the Authority aforesaid*, That such of the Persons hereby naturalized, as shall not take the Oaths, Test, and Abjuration, in Manner herein before directed, within Twelve Months next after the Publication hereof, shall have no Manner of Benefit by this Act; any Thing herein contained to the contrary notwithstanding.

V. **And be it Enacted** *by the Authority aforesaid*, That the Public Printer of this Colony shall, and hereby is directed and required to print this Act, as if the same were a public Act of this Colony.

CHAP. CCXLVIII.

An ACT *for the more effectual collecting of His Majesty's Quit-Rents in the Colony of* New-York, *and for Partition of Lands in order thereto.*

Explained by chap. 251.

Pass'd the 8th January 1762.

Preamble.

WHEREAS there are many Grants of large Tracts of Land in this Colony (some of which do not mention the Number of Acres they contain) which, since the granting thereof, have been subdivided into many Shares, and one entire Rent reserved for the Whole; so that his Majesty's Receiver General cannot know what Rent to demand or receive from the respective Owners: And other Tracts of Land within this Colony, are held by Persons residing out of the Colony; and no Settlements being made upon the Land, no Distress can be made for the Quit-Rent reserved, and in Arrear; which renders it impossible for his Majesty's Receiver General, to collect and receive his Majesty's Quit-Rents in this Colony, regularly and duly, as they ought to be. For Remedy whereof for the future;

2d GEORGE III A. D. 1762.

I. **Be it Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame,* That (for the more regular and orderly gathering the Quit-Rents due and to become due from the ſeveral Towns within this Colony, by Virtue of their reſpective Town-Grants or Patents) the ſeveral Freeholders in each of the ſaid Towns, ſhall yearly and every Year, at their uſual Town-Meetings, have full Power and Authority, by the Majority of Voices of the ſaid Freeholders then met and aſſembled, to chooſe and appoint proper Officers, and make ſuch prudential and reaſonable Orders and Regulations for aſſeſſing, levying, and collecting, of and from each Freeholder, his or her reſpective Quota of the annual Quit-Rent reſerved and payable to his Majeſty, in the general Grant or Patent for the ſaid Town, as ſhall be voted and agreed reaſonable and neceſſary to be appointed, made and done in and about the ſame. All which Appointments, Regulations and Orders ſo made, ſhall be binding upon all the Freeholders of ſuch Town; any Law, Uſage, or Cuſtom to the contrary thereof in any wiſe notwithſtanding.

The Freeholders of Townſhips to appoint Officers and make orders for aſſeſſing and collecting the Quit-Rents.

II. And for the more regular and orderly collecting, gathering, and paying the Quit-Rents due, and to become due from all other Grants and Patents for Lands within this Colony; **Be it alſo Enacted** *by the ſame Authority,* That it ſhall and may be lawful for all and every the reſpective Owners and Proprietors of ſuch Grants and Patents for Land, or ſuch of them as ſhall think fit, to aſſemble and meet together on the firſt Tueſday in *May*, yearly and every Year, at the uſual or moſt public Place of Meeting within their reſpective Grants or Patents; or at ſuch other Time and Place as the major Part of them ſo met ſhall agree upon; and then and there, by the Majority of Voices of the ſaid Freeholders and Proprietors there met, either by themſelves or their Proxies, to elect and chooſe out of the ſaid Freeholders, two Aſſeſſors and one Collector; which Aſſeſſors ſo by them Choſen, ſhall, within Thirty Days thereafter, rate and aſſeſs the ſeveral Owners and Freeholders of the ſaid Grant or Patent reſpectively, according to the Part, Share, and Proportion of Land each Owner or Freeholder ſhall have, hold, poſſeſs, or enjoy within ſuch reſpective Grant or Patent, ſo that the Whole ſhall make up and amount to the whole Quit-Rent which will be due to his Majeſty from or upon ſuch Grant or Patent, to the Twenty-fifth Day of *March* then next following, together with *One Shilling* in every Pound, for the Reward of the Collector, for collecting and paying the ſame to his Majeſty's Receiver General, or his Deputy: Which ſaid Aſſeſſors, before they begin ſuch Aſſeſſment, ſhall take an Oath before ſome one Juſtice of the Peace within this Colony, who is hereby authorized and required to adminiſter the ſame, well, truly, impartially, and in due Proportion, according to the beſt of their Underſtanding, to aſſeſs and rate the ſeveral Owners and Freeholders of ſuch Grant or Patent for which they are choſen Aſſeſſors. And that the ſaid Aſſeſſors ſhall, within Ten Days after they ſhall have made the ſaid Aſſeſſment, deliver unto the Perſon ſo to be choſen Collector, ſuch Aſſeſſment ſo by them made, under their Hands and Seals; which ſaid Collector ſhall forthwith collect the ſeveral Sums in ſuch Aſſeſſment, ſo that he pay the ſame (his own Allowance for collecting excepted) to the Receiver General, or his Deputy, on or before the firſt Day of *May* then next following, taking a Receipt for the ſame. And if any of the ſaid Owners, Proprietors, or Freeholders of ſuch Grant, or Patent, ſhall refuſe, neglect, or delay to pay his or her Share or Proportion of the ſaid Rate or Aſſeſſment, then it ſhall and may be lawful for ſuch Collector, to collect and levy the ſame, by Diſtreſs and Sale of the Goods and Chattels of the Defaulter or Defaulters where the ſame may be had or found, with the Coſts and Charges thereof, in the ſame Manner as the Collectors of the public

The Proprietors of other Grants of Land, to chooſe yearly two Aſſeſſors and one Collector, to aſſeſs and collect the Quit-Rent to the 25th of March enſuing.

Allowance to the Collectors.

Aſſeſſors to take the Oath preſcribed.

And to deliver their Aſſeſſment to the Collectors, who are to collect and pay the ſame to the Receiver General by the 1ſt of *May* following.

Power to the Collectors to diſtrain.

public Taxes in this Colony are impowered to do, or to proſecute for the ſame before any one Juſtice of the Peace within this Colony, who is hereby authorized and impowered to hear and determine the ſame. And in Caſe ſuch Collector ſhall not find Goods and Chattels of the Defaulters whereon to make Diſtreſs, or recover ſuch Rate or Aſſeſſment in Manner aforeſaid; then it ſhall and may be lawful for ſuch Collector, to collect and levy the Share and Proportion of the Rate aforeſaid, of ſuch Defaulter or Defaulters, of and from all and every of the Reſt of the Owners, Freeholders, or Proprietors aforeſaid, in Proportion to their ſeveral Aſſeſſments; giving unto the Perſon or Perſons from whom he ſhall ſo collect and receive ſuch Share and Proportion, a Receipt for the ſame. And in Caſe ſuch Defaulter or Defaulters ſhall not repay his Share or Proportion of the ſaid Rate or Aſſeſſment ſo levied, collected, or paid for him, unto the Perſon or Perſons from whom the ſame was ſo levied or collected, together with lawful Intereſt for the ſame; and in caſe any Perſon or Perſons holding Part of any Lands granted by any Letters Patent, already hath paid, or hereafter ſhall pay the Quit-Rent formerly due, or that ſhall become due to his Majeſty from others holding Lands under the ſame Letters Patent; and the Perſon or Perſons for whom ſuch Quit-Rent hath been, or ſhall be ſo paid, ſhall not repay the ſame, with lawful Intereſt, to the Perſon or Perſons having ſo paid the ſaid Quit-Rent; that then, and in either of the ſaid Caſes, it ſhall and may be lawful for ſuch Perſon or Perſons, on which ſuch Share or Proportion of ſuch Rate or Aſſeſſment had been ſo levied or collected, or that hath or ſhall ſo pay Quit-Rent for another Perſon holding Lands in the ſame Letters Patent, to apply either in Perſon, or by Attorney, to ſome one of the Juſtices of the Supreme Court of Judicature of this Colony, for Relief in the Premiſes. Which ſaid Juſtices of the ſaid Supreme Court, and each and every of them, are hereby fully authorized and required (as Juſtices of his Majeſty's Court of Exchequer for this Colony) to cauſe a public Advertiſement to be publiſhed in one of the public News-Papers printed in the City of *New-York* notifying the Perſon or Perſons complained of, to appear before him on ſuch a Day as he ſhall therein appoint, not leſs than Thirty Days, nor more than Forty Days thereafter, to ſhew Cauſe, if any he, ſhe, or they hath or have, why ſo much of his, her, or their Lands, for which the Quit-Rent had been ſo levied, collected or paid as aforeſaid, ſhould not be ſold to ſatisfy the Sum ſo paid, with Intereſt and Charges. And in Caſe ſuch Perſon or Perſons ſhall not appear on the Day ſo appointed, either in Perſon, or by Attorney; or if he, ſhe or they, ſhall appear on the ſaid Day, the ſaid Juſtice to whom ſuch Application was made, ſhall hear the Party or Parties ſo appearing in Perſon, or by Attornies, in a ſummary Way; and ſhall then certify under his Hand, the Sum due to the Party who had ſo applied for Relief, for Principal, Intereſt, and Charges, together with the Charges of the Proceſs to iſſue thereupon. And upon ſuch Certificate, Proceſs ſhall iſſue under his Seal, directed to the Sheriff of the County where the Lands lie, for which the Perſon ſo complaining had paid Quit-Rent; commanding ſuch Sheriff, in his Majeſty's Name, within Sixty Days after the Teſte of the ſaid Proceſs, (which ſhall always be in the Name of ſuch Judge, and on the Day of the Date of the Judge's Certificate aforeſaid) to ſell and diſpoſe of at public Vendue or Outcry, to the higheſt or beſt Bidder, ſo much of ſuch Perſon's Lands contained within ſuch Letters Patent, for which the ſaid Perſon or Perſons who had ſo applied, had paid Quit-Rent, as will pay the Sum ſo certified to be due for Principal, Intereſt, and Charges, and the further incidental Charges thereon; and to pay ſuch Monies into the Hands of the ſaid Perſon or Perſons who had ſo applied, within Twenty Days after ſuch Sale. And every ſuch Sheriff to whom ſuch Proceſs is directed, is hereby fully impowered and required, within Six Days after the Receipt of ſuch Proceſs, to cauſe

Where there is no Diſtreſs, the Collectors to levy the Rent on the other Proprietors.

And if the Defaulter do not repay the ſame with Intereſt.

Or in caſe Perſons for whom Quit-Rent hath been paid by others ſhall not repay the ſame with Intereſt,

In ſuch Caſes Relief may be given by ſale of the Defaulter's Land, on Application to the Juſtices of the Exchequer.

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cauſe Advertiſements to be affixed on the Court-Houſe, and three or more of the moſt uſual public Places in the County where the Land lies, that on ſuch a Day (which ſhall not exceed Fifty, or be leſs than Forty Days after the Date of ſuch Advertiſement) ſo much of ſuch Lands will be ſold at public Vendue or Outcry, to the beſt Bidder, as will pay the Sum mentioned in the ſaid Proceſs, and the Charges of Advertiſement, Sale, Survey, and Conveyance, and other incidental Charges: And that upon the Day appointed for ſuch Sale as is before directed, the ſame Sale ſhall be made at the Court-Houſe of the County in which the Lands lie, between the Hours of Nine and Twelve in the Forenoon. And the reſpective Sheriffs of the Counties aforeſaid, are hereby fully impowered and authoriſed to ſell and diſpoſe of ſuch Land at public Vendue or Outcry, to the beſt Bidder. And at the Time of ſuch Sale, ſuch Perſon or Perſons as will accept of the leaſt Quantity of Land, to pay the Sum mentioned in the ſaid Proceſs and all Charges, which ſuch Sheriff ſhall then make a true Account of, ſhall be deemed the beſt Bidder. And that upon ſuch Sale, ſuch Sheriff ſhall cauſe ſuch Land ſo ſold, to be ſurveyed, and ſhall then make, ſign, ſeal and deliver Deeds and Conveyances thereof (upon Receipt of the Purchaſe Money) to the Purchaſer or Purchaſers thereof. Which Deeds and Conveyances ſo made and executed, ſhall be, and are, by Virtue of this Act, deemed and eſteemed a good, valid, and ſufficient Title, both in Law and Equity, to all Intents and Purpoſes whatſoever. And the Purchaſer and Purchaſers of Lands by Virtue of this Act, and their reſpective Heirs and Aſſigns, are, and ſhall be hereby ſeverally veſted in, and intituled unto an Eſtate in Fee-ſimple, of and in all and every or any of the ſaid Lands, Tenements or Hereditaments ſo purchaſed by them by Virtue of this Act. **Provided always**, That the Lands ſo to be ſold by Virtue of, and in Purſuance of this Act, ſhall be ſurveyed and laid out in one entire Piece, and at one Side or End of the Tract out of which the ſame is ſold, and ſhall always be of the unimproved or uncultivated Land, if ſo much in one entire Piece, and unimproved, or uncultivated Lands, is contained in the ſame; and ſhall not be ſuch Part thereof as, at or before the Time of the ſaid Sale, ſhall be claimed by any Perſon or Perſons appearing before the ſaid Sheriff, and declaring, upon Oath, (which Oath the ſaid Sheriff is hereby authorized to adminiſter) that he or they verily believe the ſame Land is included within other Letters Patent prior to thoſe out of which the ſaid Land is propoſed to be ſold; and that he or they claim, and verily believe, hath or have a good Title to the ſame, by Virtue of ſuch other Letters Patent. **And provided alſo**, That no leſs Quantity of Land ſhall be ſold at any Time by Virtue of this Act, than One Hundred Acres; and that whenever any Perſon will accept of leſs than that Quantity of Land, to pay the Sum mentioned in the ſaid Proceſs, and all Charges as aforeſaid, the Sheriff ſhall put up to Sale One Hundred Acres of ſuch Land at public Vendue or Outcry, and the Perſon bidding, or offering the moſt Money for the ſame, ſhall be deemed the beſt Bidder; and the ſaid Sheriff ſhall make, ſign, ſeal and deliver, Deeds and Conveyances thereof to the Purchaſer or Purchaſers in Manner herein before directed.

Sheriffs to cauſe Advertiſements to be put up, giving Notice when and where the ſaid Lands are to be ſold.

Land ſold by Virtue of this Act, to be laid out in one Piece, if there be ſo much unimproved.

Not leſs than 100 Acres to be diſpoſed of at any one Time.

III. **And be it further Enacted**, In Caſe any Tenant ſhall pay any Quit-Rent due from his Landlord, it ſhall and may be lawful for him, to deduct the ſame out of his Rent, or to ſtop the Payment of the Rent till he ſhall be reimburſed, unleſs, by Agreement with the Landlord, the Tenant is to pay the Quit-Rent.

Tenants paying Quit-Rent, may deduct it out of the Landlord's Rent.

IV. **And be it further Enacted** *by the Authority aforeſaid*, That whenever there ſhall be Three or more Years Quit-Rent due, and in Arrear to his Majeſty, for any Grant or Patent for Lands within this Colony, or for any of the Lands

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Lands in ſuch Patent contained; it ſhall and may be lawful for his Majeſty's Receiver General of this Colony for the Time being, to give Notice in one or more of the public News-Papers, printed and publiſhed in the City of *New-York*, (which public Notice ſhall be ſo continued for Three Months at the leaſt) that if the Owners or Proprietors of ſuch Lands do not, within Twelve Months after the Date of ſuch public Notice, pay the Arrears of Quit-Rent due to his Majeſty for ſuch Lands, with the Charge of ſuch Notice or Notices being given to the ſaid Receiver General, That ſo much of the ſaid Lands will be ſold at public Vendue or Outcry, as will pay the ſame, with the Charges of ſuch Notices and Sale. In which Notice ſo to be given, in one or more of the public News-Papers as aforeſaid, it ſhall be expreſſed to whom the Grants or Patents were originally made, the Date of the Grants, and the Sum due thereby to the laſt Day of Payment preceeding ſuch Notice, ſo far as the ſame does appear from the Accounts of his Majeſty's Quit-Rents, in the Cuſtody of the ſaid Receiver General. And upon Failure of the Payment of the ſaid Quit-Rent, and Charges of ſuch Notice as aforeſaid, it ſhall and may be lawful for the ſaid Receiver General, by himſelf or his Deputy, or by his Majeſty's Attorney General for this Colony, to apply to ſome one of the Juſtices of the Supreme Court of Judicature of this Colony; which ſaid Juſtices, and each and every of them, are hereby fully authorized and required (as Juſtices of his Majeſty's Court of Exchequer for this Colony) to cauſe an Advertiſement to be publiſhed, to hear the Parties appearing in a ſummary Way, and to grant a Certificate of the Sum due to his Majeſty for Quit-Rent, and the Charges, in the ſame Manner as is herein before directed; and thereupon the like Proceſs ſhall iſſue to the Sheriff of the County where the Lands lie which are ſo in Arrear to his Majeſty for Quit-Rent; which ſaid Sheriff ſhall thereupon proceed to the Sale of the ſaid Lands, in the ſame Manner as is herein before particularly directed in the Caſe of one private Perſon having paid Quit-Rent for another Perſon holding Lands in the ſame Letters Patent.

The Receiver General to give public Notice when three or more Years Quit-Rent are due.

And if the Arrears be not paid in 12 Months after ſuch Notice, to diſpoſe of as much Land as will pay the ſame, and charges.

V. **And be it further Enacted** *by the Authority aforeſaid*, That the reſpective Sheriffs, after the Delivery of ſuch Deeds and Conveyances as aforeſaid, and within Twenty Days after ſuch Sale, ſhall pay to his Majeſty's Receiver General for the Time being, or his Deputy, the Quit-Rents due and owing to his Majeſty for ſuch Lands, with the Charges ſo certified by the ſaid Judge; or if ſold for repaying any private Perſon the Monies for which he had been diſtrained, or had paid Quit-Rent as aforeſaid, ſhall pay the ſame, with lawful Intereſt and Charges, to ſuch Perſon accordingly: And that it ſhall and may be lawful for ſuch Sheriff, to retain in his Hands for his own Trouble, and the other Charges attending ſuch Sale, ſo much as the Juſtices of the County where the Lands lie, in their General Seſſions of the Peace ſhall allow, and certify to be due for the ſame; the ſaid Sheriff returning the Surplus of the Monies, if any there be, to the Perſon or Perſons to whom the ſaid Lands did belong before ſuch Sale; or if he, ſhe, or they cannot be found, then to the Treaſurer of this Colony, who is hereby required to receive and apply the ſame, from Time to Time, in the Payment of the Quit-Rent that ſhall become due thereafter from ſuch Perſon or Perſons. And the ſaid Sheriff ſhall at the ſame Time, deliver to the Treaſurer, a full and juſt Account of the Money ariſen from ſuch Sale and of the Application of the ſame. **Provided always**, That the ſaid Sheriff, before he makes ſuch Sale as aforeſaid, ſhall take an Oath, to be adminiſtred to him in the Words following, *to wit*;

The Sheriff to pay to the Receiver General, the Rent or Charges, or to a private Perſon as the Caſe may be, with Intereſt and Coſts, in 20 Days after Sale.

YOU ſhall, well, truly, honeſtly, and faithfully, diſcharge the Truſt repoſed in you, by an Act of the Governor, Council, and General Aſſembly of the Colony of New-York, *entitled*, An *Act* for the more effectual collecting of his

The Sheriff to take the within Oath, before he makes the Sale.

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Majeſty's Quit-Rents in the Colony of *New-York*, and for Partition of Lands in order thereto, *according to the beſt of your Skill and Underſtanding. So help you GOD.*

Which Oath any Juſtice of the Peace is hereby authorized and required to adminiſter, and to give a Certificate thereof to the ſaid Sheriff, who ſhall file the ſame with the Clerk of the Peace of the County in which the Lands lie.

And whereas many Tracts of Land in this Colony have been granted to divers Perſons as Joint-Tenants, and Tenants in Common; and ſome of thoſe Tracts or Parcels thereof, have been divided into Lots; and tho' no legal Partition was made, yet the Eſtates of the Proprietors, thro' the Infancy of the Country, have been deemed to be ſevered, and the Lands ſo divided have been held as ſuch; the Repartition whereof is either impracticable, or would introduce the greateſt Confuſion, ſtir up innumerable Law-Suits, diſturb antient Poſſeſſions, and utterly ruin or impoveriſh many of his Majeſty's Subjects. AND whereas ſundry other Tracts ſo granted, cannot at this Day be divided, according to the Law as it now is, by Reaſon of the Abſence, Infancy, or Coverture of ſome of the Proprietors, and the great Number of Shares; and many Lands therefore lay waſte and unimproved, to the great Prejudice of the Owners, and the public Detriment:

Former Diviſions of Land, of which there is a Map, Note, or Memorandum ſigned by the Parties, their Agent or Surveyor, confirmed.

VI. **Be it therefore Enacted** *by the Authority aforeſaid*, That every former Diviſion of Lands, by Survey, Ballot, or otherwiſe, of which there is a Map, Note, or Memorandum in Writing, ſpecifying to whom the ſeveral divided Parts belong, under the Hands of the Proprietors aſſenting to the ſame, or under the Hand of their Agent or Surveyor, ſhall forever hereafter, be deemed a Partition thereof, between ſuch Proprietors ſo conſenting, as effectually, to all Intents and Purpoſes, as if the ſame had been then made by Deed or otherwiſe, according to the due Courſe of Law. **Provided always**, That ſuch Map, Note, or Memorandum, and Conſent, be duly proved, before one of the Judges of the Supreme Court in the Manner Deeds are now uſed to be proved in this Colony; and a true Copy of ſuch Map be filed, and ſuch Note or Memorandum recorded in the Secretary's Office, or in the Clerk's Office of that County where the greateſt Part of ſuch Lands lay, at any Time during the Continuance of this Act.

Provided the ſaid Map, &c. be duly proved and recorded.

One or more Proprietors of undivided Tracts, may name and give 12 Weeks public Notice of the Appointment of three Commiſſioners, and the Time and Place of their Meeting.

VII. **Be it alſo Enacted** *by the ſame Authority*, That any one or more of the Proprietors of Tracts or Parcels of Tracts ſtill undivided, inclined to have Partition thereof, may ſubſcribe a Writing, and publiſh the ſame in any two of the public News-Papers of this Colony, Twelve Weeks ſucceſſively, directed in general to all Perſons intereſted in ſuch Tract or Parcel of Land; ſpecifying the Bounds thereof, and giving Notice, That three Commiſſioners, not intereſted in ſuch Tract or Parcel, naming them, and their Places of Abode, are appointed to make ſuch Partition; and that they will meet at a certain Day and Place, to be alſo mentioned, and to be within Ten Days after the ſaid Twelve Weeks are expired, to proceed to the Partition of the ſaid Lands, and requiring all Perſons intereſted therein, to attend then and there for that Purpoſe, either by themſelves or their Attornies. And if no Objection to any of the ſaid Commiſſioners be offered, in Writing, to any one of the Judges of the Supreme Court: nor any Notice thereof in Writing, be ſerved upon the Subſcriber or Subſcribers, to the Notice ſo directed to be publiſhed, or any one of them, and within Nine Weeks after the firſt Publication thereof; then the Commiſſioners ſo named, ſhall perform the Duty required of them by this Act. But if ſuch Objection and Notice be made and given, the Judge to whom it was offered, ſhall appoint the Parties a Day and Place, within Ten Days after Nine Weeks,

Commiſſioners may be objected to in 9 Weeks, and others appointed on Notice and Hearing before one of the Judges of the Supreme Court.

from

from the first Publication of the Notice are expired; and then and there hear and determine such Objections, and appoint other fit and unInterested Persons, in the Room of those he may think proper to remove as unfit. And such Persons so appointed, shall, thenceforth, be the Commissioners for executing the Powers given to Commissioners by Virtue of this Act; and shall, before they proceed to execute their Offices, be severally sworn before one of the Judges of the said Court, or before any Judge of any Inferior Court of Common Pleas, to perform the Trust and Services required of a Commissioner by this Act, fairly and impartially, according to the Directions thereof, and the best of his Skill and Judgment; and a Certificate of their being so sworn, from the Person administring the Oath, shall be filed with the Rest of the Proceedings, as hereafter directed.

Commissioners Oath; of the taking of which a Certificate is to be given and filed.

VIII. **And be it further Enacted** *by the same Authority*, That the same Commissioners so to be appointed, shall afterwards publish a Notice or Advertisement, in two of the public News-Papers of this Colony, signifying their said Appointment; and that at a certain Day and Place to be mentioned, they will meet to proceed on the said Partition; and that they desire all Persons concerned to attend accordingly: Which said Notice shall be so published, six Weeks successively, before the Day of meeting. And when the said Commissioners have made Discovery, who, and how many the Patentees of the Lands to be divided were, they shall, as soon as conveniently may be, cause a Survey to be made of the Lands to be divided in their Presence; and having set apart such Portion thereof as they conceive to be sufficient to defray the Expence of the Partition, the Residue shall be divided into as many Allotments as there were Patentees; each Allotment to consist of one or more Lots, having due Regard in the Partition, to the Situation, Quantity, and Quality thereof, so that the Patentees, and those holding their several Rights, may have equal Shares, in Value as nearly as may be. **Provided always**, That in such Case where the Patentees of any Tract of Land, have added to the Number of the original Owners thereof, by conveying such Part or Parts of their original undivided Shares to any other Person or Persons, whereby the said Person or Persons, and the said Patentees, became severally Owners of equal undivided Shares of such Tract of Land; that then, and in such Case, the Number of Allotments shall be equal to the Number of such Patentees, and other Owners so vested with equal Shares with such Patentees as aforesaid.

Commissioners so appointed, to give six Weeks notice of the Time and Place of their Meeting--to cause a Survey to be made--to set apart a Portion for Expences--and to divide the Residue of the Land into Allotments equal in Number to that of the Patentees; and other Owners holding equal Shares with the Patentees.

IX. AND whereas certain Parts of some patented Tracts of Land within this Colony, have been formerly divided by Act or Acts of the Governor, Council, and General Assembly of this Colony; in which Divisions, the Allotments were made according to the Number of Owners of, and the Rights they respectively held in such Tract or Tracts, at the Time or Times of such Division. Therefore, in order to preserve a Uniformity in the Division of the Whole of such Tract or Tracts; **Be it farther Enacted** *by the Authority aforesaid*, That in any future Division of such Tract or Tracts, instead of laying out the Residue of the Lands contained in the same respectively, into as many Lots as there were Patentees of the same respectively, the same Method as to the Number of Lots, shall, in dividing the Residue of the said Tract or Tracts respectively, be pursued as was used in such former Division or Divisions. And in Case the Bounds or Extent of any Lands hereafter to be divided by Virtue of this Act, shall appear to be so much controverted, that the true Quantity of the whole Land to be divided cannot be ascertained clear of Dispute, that then and in such Case, the said Commissioners shall cause the undisputed Lands to be surveyed, and run out distinctly and separately, from such Part as shall be in Dispute; and shall make distinct and separate Allotments and Divisions

In Case Lands have been divided in Part, by former Act of Assembly, the same Method as to the Number of Lots, to be observed in dividing the Remainder.

Where Boundaries are controverted, the disputed and undisputed Parts to be divided separately.

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Diviſions of the ſaid undiſputed and diſputed Lands, in ſuch Manner as that a proportionate Share of each, as nearly as may be, as well in Quantity as in Quality, may, upon the Balloting hereafter mentioned, be drawn to the Name of each Patentee.

Parts of Tracts located in Purſuance of Covenants between the Parties, veſted in the Perſon holding under ſuch Covenants.

X. AND inaſmuch as the Owners and Proprietors of many Tracts of Lands within this Colony, Parts whereof remain ſtill in common and undivided, may have entered into Covenants each with the other, for the Partition of the ſame, or of Parts thereof, by enabling the reſpective Owners and Proprietors, to locate, ſurvey, and take up in Severalty, upon one or more Diviſions, certain Quantities of Land, under the Reſtrictions in ſuch Covenants contained; **Be it therefore Enacted** *by the Authority aforeſaid*, That in ſuch Caſe, all ſuch Locations of Land, (whether the ſame be made upon ſuch firſt or other Diviſion) the Surveys whereof taken together, do not contain or ſpecify any greater Quantity or Quantities of Land, than was or were allowed by ſuch Covenants, to be taken up by the Parties to ſuch Covenants, and thoſe claiming under them reſpectively, ſhall be as fully and completely veſted in ſuch Owners and Proprietors, by or for whom the ſame reſpectively were laid out, ſurveyed, and taken up, and their reſpective Heirs and Aſſigns, as if the ſame had been veſted in them reſpectively by Partition, in the due and ordinary Courſe of Law; any Thing herein contained to the Contrary thereof in any wiſe notwithſtanding. And that the Surplus of all ſuch located Lands, over and above the Quantity or Quantities mentioned in ſuch Covenants, ſhall, notwithſtanding ſuch Location, be ſubject, together with the Reſidue of the Land remaining to be divided into ſuch Tract or Tracts, to a Partition, in the Manner directed by this Act. **Provided always**, That in Caſe any one or more Townſhips have been, by the common Conſent of the Owners and Proprietors of any large Tract or Tracts remaining in Part to be divided, laid out within the ſame, upon Parts of the original undivided Rights in ſuch Tract or Tracts, the Extent or Bounds of which Townſhip or Townſhips, do include more Land than could, conſiſtent with ſuch Covenant or Covenants, fall to the Share of ſuch Townſhip or Townſhips, according to the Proportion allowed by ſuch Covenant or Covenants, to be laid out to each original Right on the ſeveral Diviſions mentioned in ſuch Covenant or Covenants; that then and in ſuch Caſe, ſuch Townſhip or Townſhips, and the Perſons claiming Town-Rights in the ſame, or any or either of them, ſhall not be admitted to any further Dividend in the Lands remaining to be divided in ſuch Tract or Tracts, until as much Land has been located to the ſeveral original undivided Rights or Shares in ſuch Tract or Tracts, as ſhall be proportionate to the Lands laid out in ſuch Townſhip or Townſhips. And in Order to make up to each of the ſaid ſeveral original Rights, as much Land in Severalty, as, together with the Lands already laid out to the reſpective original Owners and Proprietors thereof, in Virtue of ſuch Covenant or Covenants as aforeſaid, and confirmed in Manner aforeſaid, ſhall be proportionate to the Quantity of Land included within ſuch Townſhip or Townſhips, ſuch and ſo many Allotments of Land, from and out of the Lands remaining to be divided, ſhall be made and balloted for on the ſaid original Rights, to be noted and diſtinguiſhed on the Map, Survey, or Draft of ſuch Tract or Tracts, by the Name of Equivalent Lots, as ſhall, together with ſuch Lands already laid out on ſuch original Rights, and confirmed as aforeſaid, be proportionate, both in Quantity and Quality, to the Lands contained in ſuch Townſhip or Townſhips; and all and ſingular the Lots, Pieces, and Parcels of Land, with all and ſingular the Buildings and Improvements thereon contained, within ſuch Townſhip or Townſhips, are hereby as fully and abſolutely confirmed to the reſpective Owners and Proprietors thereof, as if they were veſted with the ſame by Partition, in the due and ordinary Courſe of

Where Townſhips, part of large Tracts not wholly divided, include more Land than is conſiſtent with ſuch Covenants, the Difference to be made up by Allotment to the other Proprietors, before a general Partition of the Reſidue.

Lots and Improvements within ſuch Townſhips confirmed to the Owners.

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of the Law; any Thing herein contained to the contrary thereof in any wise notwithstanding. And that the Residue of the Lands remaining to be divided after such Allotment last mentioned, shall be divided in the Manner herein directed, concerning other undivided Tracts of Land within this Colony; such Townships or Townships, and the Persons claiming Town-Rights in the same, being left to take their Proportion of such Residue in each respective Allotment thereof, according to their Part or Parts of the original Right, to which such Allotment shall upon balloting respectively fall. And as to such Tracts of Land, Parts whereof have been already laid out and divided, if any Allotments shall appear to lie within the disputed Parts of the Tracts to which they respectively belong, and no former Recompence shall appear to have been made by former Locations, and Allotments of Land in other Parts of such Tracts; the Commissioners, before the Allotment and Balloting of the Residue of such Tracts, shall, in the undisputed Part of the same, lay out and allot to the original Rights, to which such disputed Allotments respectively belong, such new Allotments of Land respectively, as shall be equal in Quantity and Quality, to such respective former Allotments of disputed Lands: And in such Case, as well as in Case of a Recompence by former Allotments, such Allotments of disputed Lands shall remain and continue to the original Right to which they were originally laid out and allotted: And as an Equivalent thereto, the Commissioners shall, before Allotment and Balloting of the Residue, lay out and allot to such original Rights respectively, to which no disputed Lands were allotted in such former Division, such new Allotments of disputed Lands as shall severally be equal in Quantity and Quality, to the several disputed Allotments in such former Division or Divisions.

In Case of Tracts divided in Part, and any Allotment in such Division is disputed, the Commissioners are to allot a proportionate Share out of the undisputed Parts.

The disputed Allotment to remain to the original Right; and before balloting for the Residue, equivalent Allotments to be made to the Rights to which no disputed Lands were allotted.

XI. And be it further Enacted *by the Authority aforesaid*, That of all Surveys and Allotments made by Virtue of this Act, two true Field-Books and Maps, specifying the Bounds of every Lot, shall be made. and the several Lots laid down and numbered on the said Map, and then signed by the said Commissioners and their Surveyor; one of which said Field-Books, and Map, shall be filed in the Office of the Clerk of the County where the greatest Part of the Lands lay, and the other in the Secretary's Office, at the City of *New-York*; which when done, the said Commissioners shall cause an Advertisement to be published for six Weeks successively, in one of the said News-Papers, notifying the filing of the Field-Books and Map in the Offices, and appointing a particular Time and Place in the City of *New-York*, on a Day within Twenty Days after the Expiration of the said Six Weeks; and requiring all Persons interested, then and there to attend, to see the several Allotments balloted for. And that the same may be conducted with the strictest Equity, and in the most judicious Manner, one or more of the Judges of the Supreme Court, or one or more of his Majesty's Council, not interested in the Division, upon the Request of the said Commissioners, in Writing, under their Hands, served Six Days before the Time of Meeting, shall be present, to oversee the Balloting so to be made. At which Day and Place, the said Commissioners, having then made as many Tickets as there are Allotments, with the Number of each Allotment on every Ticket, and as many Tickets as there are Patentees, with the Name of each Patentee on every Ticket; the Tickets of Names shall be put into a Box, and the numbered Tickets into another Box; and such other Person or Persons as the Commissioners shall then appoint, shall immediately proceed to draw a Ticket of the Names, and then a Ticket of the Numbers, and so proceed 'til all the Tickets are drawn; and the Allotment on the Map, bearing the Number of the Ticket drawn next after the drawing the Ticket with the Name, shall be the separate and divided Share of that Patentee in the Lands so to be divided, and of all Persons holding under him.

Two Field Books and Maps to be made of all Surveys and Allotments, &c. and filed; and after Notice, the Commissioners to proceed to balloting, in Presence of one of the Council or Judges.

The Balloting, and Proceedings to be entered in a book, copy whereof certified by the Commissioners, and such Judge or Councilor, to be filed in the Offices of the Secretary, and Clerk of the County.

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Of which Balloting, and all the Proceedings in ſuch Partition, the ſaid Commiſſioners ſhall make a full and fair Entry and Minute in a Book; one Copy whereof certified under their Hands, or the Hands of the Majority of them, and under the Hand of the Judge or Councilor preſent, ſhall be filed in the ſaid Secretary's Office; and another certified in like Manner, in the Clerk's Office of that County, where the greateſt Parts of the Lands lay: Which ſame Books, or an Exemplification, under the Great Seal of the Colony, ſhall be good Evidence of ſuch Partition; and which Partition ſhall be as valid and effectual in the Law, to divide and ſeparate the ſaid Lands, as if the ſame had been made between the Patentees on Writs of Partition, according to the Courſe of the common Law.

Commiſſioners in one Year after Balloting, to ſell the Land ſet apart for Expences, which are to be audited by Perſons appointed by the Judges.

XII. **And be it alſo Enacted**, That the ſaid Commiſſioners, or any two of them, ſhall, within one Year next after the Drawing or Balloting the Lots aforeſaid, proceed to ſell that Part of the Tract which was ſet apart to defray the Expence of the Partition, at public Vendue, to the higheſt Bidder, whereof Six Weeks public Notice ſhall be previouſly given in one of the ſaid News-Papers; and their Deed to the Purchaſor, ſhall paſs as good a Title to ſuch Bidder, for the ſeparate Enjoyment of the ſame, as if all the Patentees or Proprietors of the ſaid Land, had made and executed the ſame in due Form of Law. **Always provided**, That no Commiſſioner or Commiſſioners, or any other Perſon in Truſt for him or them, ſhall become Purchaſors of the Land ſo to be ſold, or any Part thereof. And of the whole Charge attending ſuch Partition, the ſaid Commiſſioners ſhall keep and ſtate a particular Account, and lay the ſame before one or more of the Judges of the Supreme Court, who are hereby impowered and required to appoint ſome proper Perſon or Perſons to audit the ſame, after Fourteen Days Notice in Writing given by the ſaid Commiſſioners, to any three of the Proprietors, of the Time and Place of auditing the ſame Account, that they may be heard in objecting to the ſame; and out of the Monies ariſen by ſuch Sale, the ſaid Commiſſioners may detain ſo much as the ſaid Judges, or the major Part of them, ſhall certify to be due for their Services and Diſburſements in compleating the ſaid Partition; and the Surplus, if any there is, ſhall be divided into equal Parts, according to the Number of the Patentees; and be paid to them, or thoſe holding under them: And the Receipt of the ſaid Patentees, or any Perſon holding under a Patentee, ſhall be a ſufficient Diſcharge to the ſaid Commiſſioners for the Share of ſuch Patentees.

The Surplus of the Produce, after Payment of Charges to be divided among the Patentees and other Owners.

Joint Tenants, or Coparceners of particular Lots, &c. enabled to make Partition.

XIII. And whereas joint Tenants, Tenants in Common, and Coparceners of particular Lots or Parcels of Land ſo divided, or of other Lands held in joint Tenancy, Coparcenary, or in Common, may be inclined to have Partition thereof; **Be it therefore alſo Enacted** *by the ſame Authority*, That Partition may be made thereof, and be as valid, and the Expence of the ſame defrayed in the ſame Manner as the Partition of other Lands are before directed; the Proprietors in ſuch further or other Partition, being conſidered as the Patentees are in the Partition above preſcribed.

Lots drawn by Miſtake, for Perſons having no Intereſt, to be conſidered as Land undivided, and the Rights of Perſons ſaved, who have no Lots drawn.

XIV. And inaſmuch as the ſaid Commiſſioners in ſuch further or other Partition, may through the great Number of Proprietors and Rights, proceed upon a Miſtake, either by ſuppoſing them too few or too many; **Be it therefore Enacted** *by the ſame Authority*, That if any Lot ſhall be ſet off, and drawn for a Perſon having no Title in the Lands to be divided, ſuch Lots ſhall be conſidered as Land ſtill undivided; and if no Lots ſhall be ſet off and drawn for any Perſon having Title, nothing herein ſhall be conſtrued to defeat the ſame. **Provided nevertheleſs**, That the Partition ſhall be conſidered as fully completed,

completed, to all Intents and Purposes, between all and every the other Proprietors of the said Lands.

XV. AND whereas Persons holding undivided Rights in such Tract or Tracts of Land within this Colony remaining to be divided, which are Parcel of such large Tracts as are herein before mentioned to have been in Part divided by Act or Acts of the Governor, Council, and General Assembly, may have heretofore taken up, surveyed, and located to themselves, without the Consent of their Fellow Commoners, divers Parcels of such Tract or Tracts so remaining to be divided; and conveyed the same to other Persons in Severalty; Which Parcels, or some of them, may happen upon the further Division of such Tract or Tracts, to fall to the Share of some other Person or Persons, by which Means such Purchasor or Purchasors will lose their Improvements, unless some Provision be made to prevent the same: **Be it therefore Enacted** *by the Authority aforesaid*, That in such Case, on the Partition of remaining Parts of Patents so in Part formerly divided, the Person or Persons to whose Shares such Parcels of improved Lands shall fall, upon a Partition of such remaining undivided Part or Parts of a Tract, shall, before he or they be admitted to the Possession of the same, pay to the respective Possessor or Possessors thereof, the Value of the Improvements made thereon. And in order to settle and ascertain the Value of such Improvements, the said Commissioners are hereby fully authorized, impowered, and directed, at the Request of the Party or Parties to whom such Parcel or Parcels of improved Lands shall, upon such Partition as aforesaid, appertain, issue their Precept to the Sheriff of the County in which the Lands lie, commanding him to summon Twelve Freeholders, having the proper and legal Qualifications of Jurors, to attend the said Commissioners on the Premises, at a Day to be appointed in the said Precept, not exceeding Thirty Days after the Date thereof, to assess the Value of such Improvements: At which Day and Place, the said Commissioners shall swear the said Freeholders, well and truly to enquire into, and assess the Value of the said Improvements; and then shall proceed, with their Assistance, in a summary Manner, to enquire into, and assess the same, and make Duplicates of such their Inquisitions and Assessments, under their Hands and Seals, and the Hands and Seals of the said Freeholders; one of which said Duplicates shall be delivered to each of the Parties. And in Case the Possessor or Possessors of such improved Lands, shall not, within Thirty Days next after a Tender to him or them made of the assessed Value, by the Person or Persons to whom the said improved Lands shall, upon such Partition as aforesaid, belong, peaceably and quietly deliver up to him or them the Possession of the same: The said Commissioners, or any or either of them, shall, upon Proof of such Tender made before him or them, or any or either of them, by the Oath of one or more credible Witness, issue a Precept, in Writing, under the Hands and Seals of them the said Commissioners, or the Hand and Seal of any or either of them, to the Sheriff of the County in which such improved Lands respectively lie, commanding him to put the Person or Persons to whom such improved Lands shall, upon such Partition belong, into full and peaceable Possession of the same. **Provided always**, That the Costs, Charges, and Expences attending, as well on such Assessment as aforesaid, as on the putting the Party or Parties into the Possession of such improved Lands, shall be estimated according to the Regulations herein after prescribed, and shall be paid by the respective Possessor or Possessors of such improved Lands; and on his, her, or their Refusal to pay the same, shall be levied on his, her, or their Goods and Chattels, by Warrant under the Hands and Seals of the said Commissioners, or the Hand and Seal of any one or more of them, directed to the said Sheriff of the County wherein such improved Lands respectively lie, who is hereby required to perform that Service. XVI.

Proprietors drawing Lots, located and settled by others, without Consent of their Fellow Commoners, not to be admitted to the Possession, until Tender of the assess'd Value of all Improvements.

The Assessment to be made by a Jury of twelve Freeholders.

And the Commissioners to issue their Precept to put the Party in Possession.

Costs to be paid by the Person ousted.

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In case of Death, the Powers vest in the surviving Commissioners.

XVI. **And be it also Enacted,** That if any of the Commissioners so to be appointed to make any Partition by Virtue of this Act, shall die before the same is compleated, their Powers shall vest in, and be exercised by the Survivors or Survivor of them.

Surveyors Oath.

XVII. **And be it also Enacted** *by the Authority aforesaid,* That the Surveyor appointed by the Commissioners, shall be sworn, previous to the said Survey, to perform the same truly and impartially: Which said Oath, they are hereby impowered to administer; and which Oath shall be entered in the Minutes of their Proceedings, and certified by the Commissioners. And the said Commissioners and Surveyor shall have *Twenty Shillings* a Day each, while actually employed in the said Service: And each of the Chain-Bearers, *Six Shillings* a Day: And the Persons who audit the Account, *Twenty Shillings* for that Service: And to the Commissioners Clerk, whom they are authorized to appoint, to take Minutes of their Proceedings, there shall be paid *Ten Shillings* a Day: And for such other Charges as may accrue on the Partition, the said Auditors may allow a reasonable Sum. And all Persons who shall be employed in surveying and dividing the Lands, shall likewise be provided at the Expence of the Patentees, with all Necessaries usually provided on such Occasions.

Allowance to the Commissioners & other Persons employed.

Saving of the Rights of the Crown and Corporations, and the Act not to extend to the Townships named.

XVIII. **And be it also Enacted** *by the same Authority,* That nothing in this Act shall be construed to defeat, prejudice, or destroy the Rights of the Crown; nor of any Bodies corporate and politic; nor to extend or relate to any of the common and undivided Lands of any of the said Bodies corporate and politic; nor of any Township on *Nassau-Island,* the Township of *Scenectady,* in the County of *Albany,* or of *Kingston, Hurly, Marbletown,* and *Rochester,* in *Ulster* County, and the Borough of *Westchester*; any Thing herein to the Contrary notwithstanding.

The Out-lines of every Patent to be surveyed by the Surveyor General, or his Deputy before Partition, if he attend on 6 Weeks Notice.

His Allowance.

XIX. **And be it also Enacted** *by the same Authority,* That the Out-Lines of every Patent so to be divided, shall be surveyed previous to the Division, by the Surveyor General, or his Deputy, provided he do attend and perform such Service, upon Six Weeks Notice of the Time and Place when the Commissioners are to meet for the performing the Survey, being given to him in Writing, under the Hands of the said Commissioners; for which Service he shall be allowed at the Rate of *Twenty Shillings* a Day; and shall be provided with Chain-Bearers, and Necessaries, in the same Manner as other Surveyors and Commissioners are to be by this Act, in coming to, attending on, and returning Home from such Survey: But if he shall neglect to attend in Manner aforesaid, then it shall be lawful for the Surveyor to be appointed by the Commissioners: to perform the whole Survey of the Patent so to be divided.

If the Limits are doubtful, they are to be run as the Surveyor General directs, and also as directed by the Parties, and a separate Division made of the disputed Part.

Lines run by the Surveyor General as the Limits, to be laid down on the Map to be filed.

XX. And whereas there may Doubts arise on the Survey, concerning the Limits of the Tract so to be divided, as well on Objections made by those holding under other Patents, as by the Surveyor General, and his Deputy, on the Part of the Crown. **Be it therefore also Enacted** *by the same Authority,* That the said Commissioners may, in such Case, run the Limits in such Manner as the said Surveyor General, or his Deputy shall direct, and also in the Manner directed by the Party or Parties first suing out a Partition of the Lands so to be divided, and attending such Survey for the Partition thereof; and shall make a separate Division of the Lands so in Dispute; and shall proceed for the complete Partition of the same, in the Manner before directed: And the Lines run by the Surveyor General, or his Deputy, for the Limits of the Bounds of the Patent, shall always be laid down on the Map on which the Division is made, and which is to be filed in the Secretary's and Clerk's Office.

XXI.

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XXI. **And be it further Enacted** *by the Authority aforesaid*, That this Act shall be in Force from the Publication hereof, until the first Day of *January*, which will be in the Year of our Lord, One Thousand Seven Hundred and Seventy, and no longer. **Provided always**, That the same shall continue, and be in full Force, as to any Proceeding commenced by Virtue hereof, relating either to the collecting of Quit-Rents, or to the Partition of Lands, until a full and final Settlement be made, according to the true Intent and Meaning of this Act.

Act to continue till 1st January, 1770, and to the Completion of Proceedings then depending.

CHAP. CCXLIX.

An ACT *for levying, paying, and cloathing One Thousand Seven Hundred and Eighty Seven effective Men, Officers included, to be employed in* North-America, *for securing his Majesty's Conquests there, and for other Purposes therein mentioned.*

Pass'd the 20th March, 1762.

Preamble.

WHEREAS through the Deceitfulness of the *French* Court, his Majesty's good Dispositions to restore Peace having been frustrated, his Majesty has thought it necessary to withdraw his regular Forces from *North-America*, to be employed in some important Enterprize against the Enemy, for the Benefit of his Subjects in *North-America*, and particularly to require the Assistance of these his Colonies, for the securing and improving the Possession of his Conquests there during the Absence of his Regular Troops:

£. 46,000 out of the Monies granted by Parliament,

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same*, That of the Monies allotted by his Majesty for this Colony, out of the *Two Hundred Thousand Pounds* Sterling, granted by Parliament for the Northern Colonies, for defraying the Expence of the Campaign of the Year One Thousand Seven Hundred and Sixty, now in the Hands, or which may be in the Hands of Sir *William Baker*, Knight, and *Robert Charles*, Esq; of the City of *London*, by Virtue of an Act, entitled, *An* Act *to impower Sir* William Baker, *Knight, and* Robert Charles, *Esq; of the City of* London, *to receive the Sum that shall be allowed to this Colony by his Majesty, out of the Sum of* Two Hundred Thousand Pounds *granted by Parliament for the Northern Colonies, for defraying the Expence of the Campaign of the Year One Thousand Seven Hundred and Sixty*; passed in the Second Year of his present Majesty's Reign; there shall be, and hereby is appropriated, for and towards levying, paying, and cloathing One Thousand Seven Hundred and Eighty-seven effective Men, Officers included, to be employed from the Time of their Inlistment to the first of *November* next in securing and improving the Possession of his Majesty's Conquests aforesaid, in such Manner as his Majesty's Commander in Chief in *North-America*, shall judge most conducive to that important End; the Sum of *Forty Six Thousand Pounds*. And also there shall be, and hereby is appropriated for the Services aforesaid, the further Sum of *Three Thousand Nine Hundred and Sixteen Pounds Eight Shillings and Eleven-pence Farthing*, being the Balance in the Treasurer's Hands of the Monies allotted for this Colony by his late Majesty King *George* the Second, out of the Monies voted by Parliament for the Northern Colonies, for the Campaign in the Year One Thousand Seven Hundred and Fifty-eight. And also there shall be, and hereby is appropriated for the Services aforesaid, the further Sum of *Six Hundred and Fifty Eight Pounds Nine Shillings and an Halfpenny*, being the Balance in the Treasurer's Hands, on an Act, entitled, *An* Act *for levying, paying, and cloathing*

to be appropriated to the cloathing and paying 1787 Men to the 1st November next.

Also appropriated for the same Services, the further Sum of £. 3916: 8: 11¼.

Also, £. 658: 9: 0½.

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cloathing Two Thouſand Six Hundred and Eighty effective Men, Officers included, for forming an Army of Twenty Thouſand Men, with the Forces in the neighbouring Colonies, to reduce, in Conjunction with his Majeſty's Regular Troops, Montreal, *and other Poſts belonging to the* French *in* Canada; *for emitting Bills of Credit for the Sum of* Sixty Thouſand Pounds, *and for ſinking and cancelling the ſaid Bills in ſhort Periods*; paſſed in the Thirty-third Year of the Reign of his late Majeſty King *George* the Second. And likewiſe there ſhall be, and hereby is appropriated for the ſaid Services, the further Sum of *One Thouſand Four Hundred and Twenty-five Pounds two Shillings and One Farthing*, out of the Monies in the Treaſurer's Hands, ariſen by Virtue of an Act, entitled, *An Act to lay a Duty of Tonnage on the Veſſels, and for the Time therein mentioned*; paſſed in the Eighth Year of the Reign of his ſaid late Majeſty King *George* the Second, and by ſeveral ſubſequent Acts continued till the firſt of *January*, which will be in the Year One Thouſand Seven Hundred and Sixty-five: Which ſaid ſeveral Sums of Money ſhall be applied as herein after directed; any Thing in the aforeſaid Acts to the contrary notwithſtanding.

Likewiſe £. 1425: 2: 0¼

II. **And be it Enacted** *by the Authority aforeſaid*, That the Treaſurer of this Colony ſhall be, and hereby is impowered and directed to draw Bills on the aforeſaid Sir *William Baker*, and *Robert Charles*, Eſq; for the aforeſaid *Forty-ſix thouſand Pounds*, now in their Hands, or which may be in their Hands as aforeſaid, payable at Thirty Days Sight, and to ſell the ſaid Bills to the beſt Advantage.

Treaſurer to draw Bills for the ſaid Sum of £. 46,000 on W. Baker, Knt. and Robt. Charles Eſq;

III. **And be it Enacted** *by the Authority aforeſaid*, That in Caſe any of the ſaid Bills ſhould not be paid at the Time they become due, the General Aſſembly ſhall and will provide Ways and Means to pay the Proprietors of ſuch Bills the Intereſt of the Monies by them advanced for the ſame, from the Time the ſaid Bills became due, until the ſame ſhall be paid in Lieu and Stead of the uſual Re-exchange and Damages.

In Caſe the Bills ſhould not be paid, Intereſt allowed the Proprietors from the Time they become due until paid.

IV. **And be it Enacted** *by the Authority aforeſaid*, That the ſaid Treaſurer ſhall, out of any of the Monies aforeſaid in his Hands, or which ſhall be in his Hands as aforeſaid, pay unto *John Cruger*, *Beverly Robinſon*, and *Peter Van Brugh Livingſton*, Eſquires, Commiſſaries and Paymaſters to the Forces raiſed in this Colony, the Sum of *Twenty-one thouſand Pounds*; to be by them applied in the Payment of One Thouſand Seven Hundred and Eighty Seven effective Men, Officers included, who are to be employed in the Service aforeſaid, after the following Rates, *to wit*; To two Colonels *Sixteen Shillings per Diem* each: To two Lieutenant-Colonels, *Fourteen Shillings per Diem* each: To two Majors, *Twelve Shillings per Diem* each: To two Adjutants, being Lieutenants, *Ten Shillings per Diem* each: To Eighteen Captains, *Ten ſhillings per Diem* each: To Thirty-four Lieutenants, *Seven ſhillings per Diem* each: To two Quarter-Maſters, *Three ſhillings per Diem* each: To Seventy-two Serjeants, *One ſhilling and Eight-pence per Diem* each: To Eighteen Drummers, *One ſhilling and ſix-pence per Diem* each: To Fifty-four Corporals, *One ſhilling and ſix-pence per Diem* each: And unto Fifteen Hundred and Seventy-ſeven private Men, *One ſhilling and three pence per Diem* each. Deduction to be made for any Deficiency in that Number by Death or otherwiſe. Which Forces they are hereby directed to pay according to the Number that ſhall be in actual Service, and not otherwiſe; which ſhall be aſcertained by the Muſter-Rolls of the reſpective Companies, monthly delivered unto the ſaid Paymaſters, upon the Oath of the ſeveral Captains of each Company, or the Oath of the Commanding-Officer thereof, at the Time of ſuch Muſter. Which Oath the ſaid Paymaſters, or either of them, or ſuch other Perſon as his

How Part of ſaid Money is to be diſpoſed and applied.

Rates of Pay to Officers and Soldiers.

Honour

Honour the Lieutenant Governor, or Commander in Chief shall appoint, are hereby impowered and required to administer in the Words following, *viz.* *I A. B. do swear, that the Muster-Roll here produced by me, is just and true, and contains no more nor other Persons Names than such who are really and truly inlisted in my Company, and are now actually and really in the present Service, except those Names marked in this Muster-Roll, Dead, Deserted, or Discharged,* So help me GOD. And the said Paymasters are hereby further required and directed to pay to two Surgeons, providing each two able Assistants to attend the said Forces, the Sum of *Twenty-four Shillings per Diem* each, and also to provide them with proper Chests of Medicines, to the Value of *One Hundred Pounds* each.

Oath to prove the Muster-Rolls.

Pay to Surgeons, and Allowance for Medicines.

V. **And be it further Enacted** *by the Authority aforesaid,* That the Treasurer shall, out of the Monies aforesaid, pay unto each of the said Captains, or other Officer properly authorized to raise Forces, the Sum of *Twenty Shillings,* for each able bodied Man whom he or they shall respectively engage, to inlist voluntarily into the said Service; and to each of the said Captains, as and for an Encouragement to the Men who shall inlist under him or them respectively, the Sum of *Ten Pounds,* to be paid by him or them respectively, to each and every able bodied Man who shall voluntarily inlist under him or them respectively on the aforesaid Service, provided such Man inlist into the said Service before the first Day of *June* next; and also, provided the Number of such Men shall not exceed One Thousand Five Hundred and Fifty Four. And likewise to each of the said Captains, for and as an Encouragement to the Men now in his Majesty's Service, in the Pay of this Colony, who are obliged to serve until the first Day of *July* next, as shall voluntarily inlist into the said Service under him, the Sum of *Three Pounds,* to be paid by him to each able bodied Man for his voluntary Inlistment, until the End of the ensuing Campaign: Which said respective Sums shall be paid by the Treasurer, on Warrants issued by his Honour the Lieutenant Governor, or Commander in Chief for the Time being, in Council.

Officers inlisting allowed 20 s. for each Volunteer.

And 15 l. Bounty to be paid to the Captain for each Volunteer.

Also 3 l. Bounty to those already in the Pay of the Province who shall inlist voluntarily.

VI. **And be it further Enacted** *by the Authority aforesaid,* That the said Treasurer shall, out of the Monies aforesaid, pay unto the said Commissaries the Sum of *Ten thousand Pounds,* to be by them employed in purchasing Cloathing, Blankets, and other Necessaries, for the Use of the Forces to be raised by this Colony on the aforesaid Service. Of the due Disposition of all which aforesaid Sums of Money, they the said Paymasters, shall render just and true Accounts, on Oath, to his Honour the Lieutenant Governor, or Commander in Chief for the Time being, the Council, or the General Assembly, when by them, or any of them, thereunto required.

Commissaries to provide Cloathing, Blankets, and Necessaries for the Forces.

VII. AND to the End the aforesaid Commissaries may be encouraged to do and perform the several and respective Services required to be done and performed by them respectively; **Be it Enacted** *by the Authority aforesaid,* That the said Commissaries shall be allowed to retain in their Hands, the Sum of *Two Pounds* on every *Hundred Pounds* they shall employ by Virtue of this Act, and in that Proportion for a greater or lesser Sum, as a Reward for their Care and Trouble, in the several and respective Services hereby required to be done, and performed by them.

The Commissaries Allowance.

VIII. **And be it Enacted** *by the Authority aforesaid,* That the said Commissaries, before they receive any Part of the Monies hereby directed to be paid unto them, shall enter into Recognizances to our Sovereign Lord the King, his Heirs and Successors, before one of the Judges of the Supreme Court of this

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this Colony, in the Sum of *Thirty thouſand Five Hundred Pounds*, with two ſufficient Sureties each in Half that Sum: CONDITIONED, That they will well and truly, employ and apply the Monies to be received by them as aforeſaid, to and for the ſeveral and reſpective Uſes and Purpoſes directed by this Act, and well and truly to obſerve, do and perform all the Directions hereby required to be obſerved, done and performed by them, according to the true Intent and Meaning of this Act: Which Recognizances are to be filed and recorded in the Supreme Court of this Colony.

Recognizances to be enter'd into before they receive any of ſaid Money.

IX. **And be it further Enacted** *by the Authority aforeſaid*, That if either of the before named Commiſſaries ſhall fail of employing and applying the Monies ſo to be received by them, in the Manner, and for the reſpective Uſes directed by this Act, or omit to obſerve, do, and perform what is hereby required to be obſerved, done and performed by them: In ſuch Caſe or Caſes, the ſaid Recognizances ſhall be proceeded upon in due Form of Law, againſt ſuch Offender or Offenders, or his or their Sureties, in the Supreme Court of this Colony, wherein no Eſſoin, Protection, Wager of Law, or more than one Imparlance ſhall be allowed; and the Money to be recovered in Conſequence thereof, ſhall be paid into the Treaſury of this Colony, and applied to and for ſuch Uſes as ſhall hereafter be directed by Act or Acts to be paſſed for that Purpoſe.

Which Recognizances are to be put in Suit on Failure of Duty.

X. **And be it Enacted** *by the Authority aforeſaid*, That if either of the ſaid Commiſſaries ſhall happen to die, remove out of this Colony, or refuſe to act according to the ſeveral and reſpective Powers and Authorities hereby required and directed, it ſhall and may be lawful to and for the Lieutenant Governor, or Commander in Chief for the Time being, by and with the Advice and Conſent of his Majeſty's Council, to nominate and appoint ſome other fit Perſon or Perſons in the Place and Stead of him or them ſo dying, removing, or refuſing to act as aforeſaid: Any Thing contained herein to the contrary notwithſtanding. **Provided**, The Perſon or Perſons who ſhall be appointed, ſhall be obliged to enter into the like Recognizances, with the like Sureties, as herein is directed to be done by the ſaid Commiſſaries, before he or they be intituled to receive any Part of the Money herein mentioned; and in all Reſpects, be as ſubject to obſerve, do and perform the ſeveral Directions of this Act, as if he or they had been named or appointed in it.

If either of the Commiſſaries die or refuſe to act, others are to be appointed.

Proviſo.

XI. **And be it Enacted** *by the Authority aforeſaid*, That the before mentioned ſeveral Sums of Money, directed to be paid to the aforeſaid Commiſſaries, ſhall be paid by the Treaſurer of this Colony, at ſuch Time, and in ſuch Proportion, as ſhall be thought neceſſary and expedient by his Honour the Lieutenant Governor, or Commander in Chief for the Time being, by and with the Advice and Conſent of his Majeſty's Council of this Colony, for the performing the ſeveral and reſpective Services directed by this Act.

Time when, and Proportion in which the Treaſurer is to pay the Money out.

XII. **And be it Enacted** *by the Authority aforeſaid*, That the Treaſurer ſhall, out of the aforeſaid Monies, pay the following Sums, *viz.* To each of the two Colonels, the Sum of *Seventy Pounds*, to furniſh their reſpective Tables. To each of the two Lieutenant Colonels, the Sum of *Fifty Pounds*, for the like Purpoſe. And, To each of the two Majors, the Sum of *Forty Pounds*, for the like Purpoſe.

Allowance to the Field-officers over and above their Pay.

XIII. AND that none of his Majeſty's Subjects, who are inclined to go upon the Service aforeſaid, may be impeded or debarred from entering voluntarily therein; **Be it Enacted** *by the Authority aforeſaid*, That no Perſon who ſhall inliſt,

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inlist, or enter himself a Volunteer in the said Service, shall, during the same, be liable to be taken therefrom by any Process or Execution whatsoever, other than for some criminal Matter, unless for a Debt, or other just Cause of Action; and unless before taking out such Process or Execution, not being for a criminal Matter, the Plantiff or Plantiffs therein, or some other Person or Persons in his or their Behalf, shall make Affidavit before one or more Judge or Judges of the Court of Record, or other Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, that to his or their Knowledge the original Sum justly due and owing to the Plantiff or Plantiffs from the Defendant or Defendants in the Action or Cause of Action, on which such Process shall issue, or the original Debt for which such Execution shall be issued out, amounts to the Value of *Twenty Five Pounds*, current Money of the Colony of *New-York*, over and above all Costs of Suit in the same Action, or in any other Action on which the same has been or shall be grounded; a Memorandum of which Oath shall be endorsed on the Back of such Process or Writ; for which Memorandum or Oath, no Fee shall be taken. And if any Person shall nevertheless be arrested, contrary to the Intent of this Act, it shall and may be lawful for one or more Judge or Judges of such Court, upon Complaint made thereof by the Party himself, or by any of his superior Officers, to examine into the same, by the Oath of the Parties or otherwise; and by Warrant under his or their Hands and Seals, to discharge such Soldier so arrested or detained contrary to the Intent of this Act, without paying any Fee or Fees, upon due Proof made before him or them, that such Soldier so arrested or detained was duly inlisted for the Service aforesaid, and was arrested and detained contrary to the Intent of this Act.

Persons inlisted or detached, not liable to be taken by Process for a Debt under £.50.

XIV. **And be it Enacted** *by the Authority aforesaid*, That any Person or Persons, who are willing to inlist, and shall accordingly inlist in the Service aforesaid, and who are now detained in Gaol upon Execution, or any Process in any Civil Action, where the original Cause of Action did not amount to the Sum of *Twenty Five Pounds*, shall, upon a Certificate of such his or their Inlistment being produced to any Judge or Judges of the Court from whence such Process issued, be discharged from Imprisonment, without paying Fees. **Provided Nevertheless**, That such Discharge shall not be deemed an Extinguishment of any such Debt, but any Plantiff or Plantiffs may be at Liberty to proceed to Judgment and Execution against the Goods of any such Defendant, and also against their Person or Persons, after he or they shall be discharged from the said Service, in the same Manner as if such Debtor had not been released from Imprisonment.

Persons inlisting or detached, and detained in Gaol for a Debt under 25 l. to be discharged.

Proviso.

XV. AND whereas some Persons in several Parts of this Colony, have deserted from the Service of the last Campaign; **Be it Enacted** *by the Authority aforesaid*, That it shall and may be lawful for any Justice of the Peace in the City or County where such Deserter or Deserters shall be found; and they are hereby required to take and seize all such Deserter or Deserters wherever they may be found within this Colony, and send them to the aforesaid Service.

Deserters in the last Campaign to be apprehended and sent on the present.

XVI. **And be it Enacted** *by the Authority aforesaid*, That in Case any Person or Persons whatsoever, shall harbour, secrete, or conceal any Person inlisted as aforesaid, and absenting himself from the said Service, he, she, or they so offending, shall respectively forfeit the Sum of *Twenty Pounds*.

Penalty for harbouring Persons inlisted.

XVII. **And be it Enacted** *by the Authority aforesaid*, That if any Person or Persons whatsoever, shall, directly, or indirectly, discourage, or hinder any Person from inlisting voluntarily into the said Service, he, she, or they so offending, shall respectively forfeit the Sum of *Twenty Pounds*.

Penalty for discouraging or hindering Persons to inlist.

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XVIII. **And be it Enacted** *by the Authority aforeſaid,* That the ſaid Forfeitures ſhall be immediately levied on the Goods and Chattels of the ſaid Defaulters reſpectively, by Warrant or Warrants iſſued by one of the Judges of the Inferior Courts of Common Pleas of the reſpective County or Counties where the ſaid Forfeitures ſhall ariſe, or by one of the Judges of the Supreme Court in the City of *New-York*, on due Proof made thereof before him: Which Warrants ſhall be directed to, and executed by the Sheriff or Sheriffs of the ſeveral Cities and Counties reſpectively: And the ſaid Forfeitures, when levied, ſhall be paid into the Hands of the Supervizors of the ſaid reſpective Counties, or the City Treaſurer of the City of *New-York*, and be by them applied for and towards the neceſſary Charges of each reſpective City and County.

Forfeitures how to be recovered and applied.

XIX. **And be it Enacted** *by the Authority aforeſaid,* That no Perſon or Perſons whatſoever engaged in the Service aforeſaid, ſhall be detained therein longer than to the firſt Day of *November* next.

Time limitted to be in the Service.

XX. **And be it Enacted** *by the Authority aforeſaid,* That in Caſe any Perſon or Perſons whatſoever, engaged in the Service aforeſaid, either as Officers or Soldiers, ſhall, at any Time during the ſaid Service, deſert therefrom, or ſhall begin, excite, cauſe, or join in any Mutiny or Sedition in the Company to which he ſhall belong, or in any other Company engaged in the ſaid Service; or ſhall hold Correſpondence with any Rebel or Enemy of his Majeſty, or give them Advice or Intelligence, by Letters, Meſſages, Signs or Tokens, or any Manner of Way whatſoever; or ſhall ſtrike, or uſe any Violence againſt his ſuperior Officer, being in the Execution of his Office, or ſhall refuſe to obey any lawful Commands of his ſuperior Officer, they ſhall reſpectively ſuffer Death, or ſuch other Puniſhment as ſhall be inflicted by a Court Martial; which Court Martial ſhall be held, conſtituted and appointed by Commiſſion from his Honour the Lieutenant Governor, or Commander in Chief for the Time being, under the Great Seal of this Colony.

Clauſe againſt Mutiny and Deſertion.

XXI. **And be it Enacted** *by the Authority aforeſaid,* That when the Treaſurer ſhall have paid all the ſeveral Sums of Money directed to be paid by this Act, all the Reſidue of the aforeſaid Money, ſhall remain in the Treaſury, to be diſpoſed of by Act or Acts hereafter to be paſſed for that Purpoſe.

Reſidue of the Monies to remain in the Treaſury.

XXII. AND FORASMUCH as the Troops in the Pay of this Colony were neceſſarily detained on the laſt Campaign, beyond the Time for which Payment was provided for them; **Be it Enacted** *by the Authority aforeſaid,* That the ſaid Treaſurer ſhall, out of the Monies in his Hands, by Virtue of an Act, entitled, *An* Act *for the Payment of the Debts of this Colony*; paſſed in the Thirty-firſt Year of the Reign of his late Majeſty King *George* the Second, pay unto the ſaid Commiſſaries, the Sum of *Two thouſand Five Hundred Pounds*, to be by them employed for the Payment of the Troops ſo detained as aforeſaid: And of the due Diſpoſition of which ſaid Sum of *Two thouſand Five Hundred Pounds*, they the ſaid Commiſſaries, ſhall render true and juſt Accounts, on Oath, in the Manner before directed.

Proviſion made for the Payment of the Troops detained in the Service of this Colony laſt Year, longer than was at firſt provided for.

XXIII. **And be it Enacted** *by the Authority aforeſaid,* That the Treaſurer ſhall keep exact Books of all his Receipts and Payments by Virtue of this Act, and a true and juſt Account thereof ſhall render, upon Oath, to the Lieutenant Governor, or Commander in Chief for the Time being, the Council, or to the General Aſſembly, when by them, or any of them thereunto required.

Treaſurer to keep exact Books.

CHAP.

2d GEORGE III. A. D. 1762.

CHAP. CCL.

An ACT *directing the Treasurer of this Colony, to pay the Commander in Chief of all His Majesty's Forces in* North-America, *the Sum of* Four Thousand Seven Hundred and Ninety Pounds, *for His Majesty's Service, to be repaid when His Majesty shall think proper.*

Pass'd the 20th of March, 1762.

WHEREAS it is absolutely necessary, that the Regiments sent to *North-America*, should be recruited to their full Compliment, in order to a vigorous Prosecution of the War, and the obtaining, in Consequence thereof, a glorious Peace; on which the future Safety and Prosperity of this Colony does immediately depend. And it appears requisite that this should be done in *America*, as well for the greater Speed of the Operations there, as from the Impracticability of their being recruited from *Great-Britain*, which must be, in a great Measure, drained of Men, by the vast Numbers already furnished for the Service of His Majesty in all the different Parts of the World. AND whereas for this Purpose, it is recommended by His Majesty's Cōmand, that this Colony should provide for the raising of Four Hundred and Seventy Nine Recruits, by granting them the same Levy Money which is granted by this Colony to the Provincials: Without which Expedient, it is not probable that so necessary a Service can be performed.

Preamble.

THEREFORE, that His Majesty's most faithful and loyal Subjects in this Colony may contribute every Thing in their Power, to the further Annoyance of the Enemy in this Part of the World, consistent with their Custom of providing for their Defence by their Militia, and serving their Sovereign in all Attacks on his Enemies, by Provincial Forces raised for a limited Time; Which Custom being in a Manner interwoven into their Constitution, cannot be altered without great Injury to the Colony, and Prejudice to His Majesty's Subjects:

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same*, That the Treasurer of this Colony shall, on Demand, out of the Monies now in his Hands by Virtue of the three following Acts, *that is to say*; *An* Act, *entitled*, An *Act for granting to His Majesty the several Duties and Impositions on Goods, Wares, and Merchandizes imported into this Colony, therein mentioned. An* Act, *entitled*, An *Act for emitting Bills of Credit for the Payment of the Debts, and for the better Support of the Government of this Colony, and other Purposes therein mentioned.* And, *An* Act, *entitled*, An *Act to restrain Hawkers and Pedlars within this Colony, from selling without Licence*; pay to his Excellency Sir *Jeffery Amherst*, Commander in Chief of His Majesty's Forces in *North-America*, or his Order, or to the Commander in Chief for the Time being, or Order, the Sum of *Four Thousand Seven Hundred and Ninety Pounds*; to be applied to such Purposes in His Majesty's Service, as it most expedient; any Thing in the said Three Acts to the Contrary notwithstanding.

Treasurer to pay the within mentioned Sum to the Commander in Chief of his Majesty's Forces in North-America.

CHAP.

2d GEORGE III
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CHAP. CCLI.

An ACT *to explain Part of an Act, entitled,* An *Act for the more effectual collecting of His Majesty's Quit-Rents in the Colony of* New-York, *and for Partition of Lands in order thereto.*

See Chap. 248, ante.

Pass'd the 20th of March, 1762.

Preamble.

WHEREAS Persons holding undivided Rights in such Tracts of Land within this Colony remaining to be divided, as are Parcel of such large Tract or Tracts, Part whereof have been heretofore divided, taken up, surveyed; or located, in Virtue of Covenants made and entered into, by and between all the Owners and Proprietors thereof in Writing, under their Hands and Seals; may have heretofore over and above such Division, Survey, and Location, taken up, surveyed, and located to themselves, without the Consent of the other Owners and Proprietors of the undivided Parts of such Tract or Tracts, divers other Parcels of such Tract or Tracts, and conveyed the same to other Persons in severalty, who may have made great Improvements thereon. Which improved Parcels, or some of them, may, upon the further Division of such Tract or Tracts to be made in Virtue of a certain Act of the Lieutenant Governor, the Council, and the General Assembly of this Colony, passed the Eighth Day of *January*, in the Second Year of his present Majesty's Reign, entitled, *An* Act *for the more effectual collecting of His Majesty's Quit-Rents in the Colony of* New-York, *and for Partition of Lands in order thereto*; happen to fall to the Share of some other Person or Persons, and the Purchasor or Purchasors thereby lose his or their Improvements: Which Mischief was intended to be prevented by the said Act, as fully, and in such Manner as the Loss of such Improvements on the undivided Parts of such Tracts, Parcels whereof have heretofore been divided by Act or Acts of the Governor, Council, and General Assembly of this Colony, is provided against by the Fifteenth Clause or Section of the abovementioned Act, as being within the same Reason.

The fifteenth Clause of Chap. 248, declared to extend to all such Tracts, Parts whereof have been divided, &c. in Virtue of Covenants, &c.

I. Be it therefore Enacted *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby* Enacted *by the Authority of the same*, That the said Fifteenth Clause or Section of the abovementioned Act, and every Article, Matter, Provision and Thing in the same contained, shall and do extend to, and the same is and are hereby declared to extend to, and to have been intended to extend to all such Tract or Tracts of Land, Parts whereof have been divided, taken up, surveyed, and located, in Virtue of such Covenants as aforesaid, in like Manner as the same does extend to such Tract or Tracts, Parts whereof have been divided, by Act or Acts; and that as fully, to all Intents, Constructions and Purposes whatsoever, as if such Tract or Tracts so in Part divided, taken up, surveyed, or located, in Virtue of such Covenants as aforesaid, had been therein mentioned. And that the Commissioners appointed, or to be appointed, in Virtue of the above-mentioned Act, to make Partition of the undivided Parts of such Tract or Tracts as are last mentioned, shall have, exercise, and enjoy, such and the same Power and Authority, as well for the assessing of the Value of such Improvements as aforesaid on the same, as for putting the Party or Parties to whom, on a Partition, the same shall belong, into the Possession of such improved Lands as the Commissioners are vested with by the said Act, for assessing the Improvements on the undivided Parts of such Tract or Tracts as have been divided by Act or Acts as aforesaid, and for putting the Party or Parties to whom the same,

same, on a Partition, shall belong, into Possession of such improved Lands: Any Thing in the said Act contained to the Contrary thereof in any wise notwithstanding. **Provided always**, That nothing in this Act contained, shall obstruct, or in any wise interfere, or be construed to obstruct or interfere with the Steps or Proceedings that have already been had and taken by Virtue of the above-mentioned Act, for and towards the Partition of any Tract or Tracts of Land.

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Proviso.

CHAP. CCLII.

An ACT *for dividing* Crom-Elbow *Precinct, in* Dutchess *County, in two Precincts, to be called* Charlotte, *and* Amenia.

Pass'd the 20th March, 1762.

Preamble.

WHEREAS *Crom-Elbow* Precinct, in *Dutchess* County, is so extensive that many of the Inhabitants cannot attend the annual Meetings, for the Election of Officers without great Inconvenience; and is become so populous that the Elections can no longer be held with due Order and Regularity;

The Limits of each Precinct, and the Officers to be chosen.

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Assembly, and it is hereby Enacted by the Authority of the same*, That the said Precinct shall be, after the first Day of *April* next, divided into two Precincts, in the following Manner; The One shall contain all that Part of the said Precinct which lies to the Westward of the Eastermost Tier of Lots laid out in the general Division heretofore made of the Tract of Land granted to *Caleb Heathcote* Esquire, and others, called the Lower or Great *Nine Partners*, and shall be called *Charlotte*: And the other which shall be called *Amenia*, shall contain the said Eastermost Tier of Lots, and so much of the *Oblong*, as before the Publication hereof was contained in *Crom-Elbow* Precinct. In each of which two Precincts shall be chosen one Precinct Clerk, one Supervizor, two Assessors, one Collector, three Overseers of the Poor, three Fence Viewers, one Pound Master; and also, unless the Court of General Sessions of the Peace shall otherwise appoint, four Constables, and six Overseers of the High-ways: Which Court is hereby declared to have, and shall have the same Power of appointing and directing what Number of Constables, and Overseers of the High-ways, shall be elected in those two hereby erected Precincts, as it has in every other Precinct in the County aforesaid.

The Time and Place of meeting of the Inhabitants of each Precinct.

II. **And be it Enacted**, That the Inhabitants of *Charlotte* Precinct, shall annually meet on the first Tuesday in *April*, for the Election of Officers for said Precinct, at the present Dwelling-House of *Henry Filkin*, Esquire, 'til some other Place for that Purpose shall be legally appointed: And the Inhabitants of *Amenia* Precinct, shall meet the same Day for the like Purpose, at the present Dwelling-House of Mr. *Roswell Hopkins*.

may at their meeting appoint any other Place.

III. **And be it further Enacted**, That it shall be lawful for the Inhabitants of each of the aforesaid Precincts, at any of their annual Meetings for electing Officers as aforesaid, by a Majority of Voices of the Inhabitants so met, to appoint any other certain Place for the next Election, which shall continue to be the Place of Election till another Appointment be made in the same Manner.

2d GEORGE III. A. D. 1762.

CHAP. CCLIII.

An ACT *to raiſe the Sum of* Two Hundred Pounds, *to finiſh and compleat the Court-Houſe and Gaol in the City of* Albany.

Paſs'd the 20th March 1762.

Preamble.

WHEREAS ſeveral Sums of Money have been raiſed by Virtue of ſeveral Acts of this Colony, from the Inhabitants of the City and County of *Albany*, for and towards building the Court-Houſe and Gaol in the ſaid City: Which Sums have proved inſufficient for that Purpoſe;

The Supervizors of the City and County of Albany to levy £. 200, to be paid by the City and County Treaſurer, to the Order of the Mayor, Recorder, and Aldermen.

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby enacted by the Authority of the ſame*, That the Supervizors of the ſaid City and County ſhall, and they are hereby directed and required, at their firſt Meeting after the Publication of this Act, to order to be aſſeſſed, levied, and collected of and from the ſeveral Freeholders, Inhabitants, and Sojourners within the ſaid City and County of *Albany*, the Sum of *Two Hundred Pounds*, over and above the annual County Charge: And the ſaid *Two Hundred Pounds* ſo to be raiſed, ſhall be aſſeſſed, levied, collected, and paid in the ſame Manner as the other neceſſary and contingent Charges of the ſaid City and County uſually are, and ſhall be paid by the City and County Treaſurer, into the Hands of ſuch Perſons as the Mayor, Recorder, and Aldermen, or the major Part of them, ſhall appoint as Managers. And of the due Diſpoſition of the ſaid Sum of *Two Hundred Pounds*, the ſaid Managers ſo appointed, ſhall render an Account upon Oath, when thereunto required, by the Mayor, Recorder, and Aldermen of the ſaid City, or any three of them.

Proviſo.

II. **Always Provided, and be it further Enacted** *by the Authority aforeſaid*, That in caſe the *Two Hundred Pounds* ſhould be more than ſufficient to compleat the ſaid Court-Houſe and Gaol, the Overplus ſhall be applied towards defraying the annual County Charge.

CHAP. CCXLIV.

An ACT *to raiſe, levy, and collect, a Sum not exceeding* Five Hundred Pounds, *in the County of* Weſtcheſter, *towards finiſhing the Court-Houſe and Jail in the ſaid County.*

Paſs'd the 20th March 1762.

Preamble.

WHEREAS the Sums heretofore raiſed have not been ſufficient to build, finiſh, and compleat the New Court-Houſe and Jail in the County of *Weſtcheſter:* And it being neceſſary that the ſaid County-Houſe and Jail be compleatly finiſhed for holding of Courts, and ſecuring Priſoners;

How to be raiſed.

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That for compleating and finiſhing the ſame Court-Houſe and Jail, and for no other Uſe or Purpoſe whatſoever, it ſhall and may be lawful to and for the Supervizors of the ſaid County, and they are hereby directed and required at their next Meeting, to raiſe, levy, and collect, of and from the ſeveral Freeholders, Inhabitants, and Sojourners, within the ſaid County, a Sum not exceeding

exceeding the Sum of *Five Hundred Pounds*; to be raiſed, levied, and collected in the ſame Manner as the other neceſſary and contingent Charges of the ſaid County are.

II. **And be it further Enacted** *by the Authority aforeſaid*, That the Money ſo to be raiſed by Virtue of this Act, ſhall, from Time to Time, be paid by the ſeveral and reſpective Collectors, unto ſuch Perſons as ſhall be by the ſaid Supervizors, or the major Part of them, nominated and appointed, not more than the Number of three; for ordering, managing, and directing, how and in what Manner the ſaid Court-Houſe and Jail ſhall be compleated and finiſhed: And the ſaid Perſons ſo appointed and nominated, are hereby obliged to obſerve the ſame accordingly; and alſo ſhall and may, from Time to Time, inſpect, examine, and audit all the Accounts for Workmanſhip and Materials to be employed for and towards compleating and finiſhing the Court-Houſe and Jail beforementioned: And of the due Diſpoſition of the ſaid Sum of *Five Hundred Pounds*, or ſo much thereof as ſhall come into their Hands; they, the ſaid Perſons ſo appointed as aforeſaid, ſhall render a true Account upon Oath, unto the Supervizors, when thereunto required.

To whom to be paid.

CHAP. CCLV.

An ACT *for paying ſeveral Perſons for billeting the Forces raiſed by this Colony, for the Campaign of the Year One Thouſand Seven Hundred and Sixty.*

Paſs'd the 20th March 1762.

Private.

CHAP. CCLVI.

An ACT *for naturalizing Seventy-eight Perſons therein named.*

Paſs'd the 20th March 1762.

Private, but printed on account of the laſt Clauſe.

WHEREAS Hendrick Deets, Wendell Hildenbrandt, Peter Haine, Fredrick Schall, Iſaac Paris, Iſaac Paris, jun. Lodewich Fail, Abraham Roſekrans, Adam Kiltz, Peter Kiltz, Johannis Kiltz, Johan Nekel Kiltz, Nicholas Brathouwer, Godfrey Ratenhouwer, Hendrick Riemeſnyder, Harme Schever, John Eiſenlord, Fredrick Gehler, Johan Chriſtian Ruff, Coenraed Walz, Chriſtian Young, Chriſtian Etz, Mattheus Kugler, Simon Braun, Hartwig Arend, Martin Neſſel, Georg Grotzinger, Henrich Bridlife, Jacob Narke, Wilhelm Ros, Peter Nicholaus Somner, Jacob Monie, David Sait, Caſper Tauſehek, Chriſtoph Roettig, Michel Merdele, Chriſtoph Merdele, Philip Hoffman, Johann Feder, Carle Scheld, Jacob Griechach, Frank Otto, Jacob Kern, Jacob Dietrich, Henrich Schneider, Rudolph Gaſſman, Anthony Nedmer, Paulus Brand, Michel Hilſchiner, Andres Feinnauer, Peter Heen, Peter Juny, Michel Konig, Carl Hoeflich, Jacob Fry, Jury Fry, Philip Miller, Hendrick Rurs, John Ryſt, Jacob Pygel, Philip Shapher, Stephen Jordan, Peter Fox, Andries Frank, Chriſtophel Frank, Anthony Marks, Michel Strook, Golliep Bouwman, Frans Otto, Abraham Bouwman, Hartwyck Arents, Henry Gerbeaux, Chriſtopher Iſenhardt, Peter Proſius, David Jacobs, Johannis Jooſt Weeder, Willem Peter Wallace, and Adam Kauzer, have, by their ſeveral Petitions, preſented to the General Aſſembly, deſired that they may be naturalized, and become his Majeſty's Liege Subjects and Settlers in this Colony.

Preamble.

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That the before named ſeveral Perſons, and each and every of them, ſhall be and hereby are declared to be naturalized, to all Intents, Conſtructions, and

The Perſons naturalized.

2d GEORGE III A. D. 1762.

and Purpoſes whatſoever; and from henceforth, and at all Times hereafter, ſhall be intituled to have and enjoy, all the Rights and Liberties, Privileges and Advantages which his Majeſty's natural born Subjects in this Colony have and enjoy, or ought to have and enjoy, as fully, to all Intents and Purpoſes whatſoever, as if all and every of them had been born within this Colony.

The Oaths to be taken.

II. **Provided always, and it is hereby further Enacted** *be the Authority aforeſaid,* That all and every and each of the above mentioned Perſons ſhall take the Oaths appointed by Law, inſtead of the Oaths of Allegiance and Supremacy, ſubſcribe the Teſt, and make, repeat, ſwear to, and ſubſcribe the Abjuration Oath in any of his Majeſty's Courts of Record within this Colony: Which Oaths the ſaid Courts are hereby required, upon Application to them made, to adminiſter, take Subſcriptions, and cauſe the Names of the Perſons ſo ſwearing and ſubſcribing, to be entered upon Record in the ſaid Courts. And the ſaid before mentioned Perſons are, each of them, hereby required to pay the ſeveral Sums hereafter mentioned, *that is to ſay*; To the Speaker of the General Aſſembly, the Sum of *Ten Shillings*. To the Judge of ſuch Court, the Sum of *Six Shillings*. And to the Clerk of ſuch Court, the Sum of *Three Shillings*.

The Certificates to be granted.

III. **And be it further Enacted** *by the Authority aforeſaid,* That if the ſaid Perſons, or any of them, having ſo ſworn and ſubſcribed as aforeſaid, ſhall demand a Certificate of his or their being entered upon Record, in the Manner herein before directed, the Court or Courts in which ſuch Oaths and Subſcriptions ſhall be made, are hereby directed and required to grant ſuch, under the Hand of the Judge, and Seal of the ſaid Court or Courts in which ſuch Oaths and Subſcriptions as aforeſaid ſhall be made, counterſigned by the Clerk of ſuch Court: For which Certificate each of them ſhall pay, over and above the Sums before mentioned, the Sum of *Six Shillings*; One-half to the Judge of ſuch Court or Courts, and the other Half to the Clerk thereof: Which Certificate or Certificates ſhall be at all Times, to the Perſon or Perſons therein named, a ſufficient Proof of his or their being naturalized by Virtue of this Act, in as full and effectual a Manner, as if the Record aforeſaid was actually produced by the Perſon or Perſons ſo named in ſuch Certificates.

Proviſo.

IV. **Provided alſo, and be it Enacted** *by the Authority aforeſaid,* That ſuch of the Perſons hereby naturalized, as ſhall not take the Oaths, Teſt, and Abjuration, in Manner herein before directed, within Twelve Months next after the Publication hereof, ſhall have no Manner of Benefit by this Act; any Thing herein contained to the contrary notwithſtanding.

The Act to be printed.

V. **And be it Enacted** *by the ſame Authority,* That the publick Printer of this Colony ſhall, and hereby is directed and required to print this Act, as if the ſame were a publick Act of this Colony.

CHAP.

2d GEORGE III. A. D. 1762.

CHAP. CCLVII.

An ACT *for raiſing the Sum of* Three Thouſand Pounds, *by Way of Lottery, towards repairing the City-Hall, in the City of* New-York.

Paſs'd the 6th May, 1762.

Preamble.

WHEREAS it is highly neceſſary that the City-Hall of the City of *New-York*, ſhould be put into proper Repair, for the more commodious Reception of the ſeveral Branches of the Legiſlature, and for the holding of Courts, and other public Uſes. And whereas the Corporation of the ſaid City are, by Means of the heavy Debts they at preſent labour under, incapacitated to repair the ſame in ſuch Manner as it ought to be for the Uſes and Purpoſes aforeſaid, without the Aid of the Legiſlature:

Corporation impowered to erect a Lottery for raiſing 3000l. to rebuild the City-Hall.

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby* **Enacted** *by the Authority of the ſame*, That the Mayor, Aldermen, and Commonalty of the City of *New-York*, for the Time being, ſhall be, and hereby are, fully impowered and authoriſed to erect and eſtabliſh a Lottery, to raiſe the aforeſaid Sum of *Three Thouſand Pounds*, to be by them applied for and towards repairing the City-Hall aforeſaid.

Managers of the Lottery.

II. **And be it further Enacted** *by the Authority aforeſaid*, That *Abraham Lott*, junior, *Chriſtopher Smith*, and *Winter Fargie*, are hereby appointed to ſell the Tickets, and manage the ſaid Lottery: Which ſaid Managers ſhall be allowed for their Trouble for managing the ſame, the Sum of *Seventy Five Pounds* each; and ſhall reſpectively take an Oath, Well and truly to perform the Truſt repoſed in them by this Act.

Who are to enter into Recognizances before they take the Oath preſcribed by this Act.

III. **Provided always, and be it further Enacted** *by the ſame Authority*, That the Managers hereby appointed, before they take the Oath preſcribed by this Act, or perform or execute any Thing therein contained, ſhall firſt enter into Recognizances unto our Sovereign Lord the King, His Heirs and Succeſſors, *that is to ſay*; Each of them before one of the Juſtices of the Supreme Court, in the Sum of *Three Thouſand Pounds*, with two ſufficient Sureties each in half that Sum: CONDITIONED, That they ſhall well and truly, each for his Part, execute the Truſt repoſed in them by this Act.

And to pay the 3000l. into the Hands of the Corporation.

IV. **And be it hereby further Enacted**, That the ſaid Sum of *Three Thouſand Pounds*, to be raiſed by the ſaid Lottery, ſhall, by the Managers thereof, be paid to the ſaid Mayor, Aldermen, and Commonalty, or the major Part of them, (the aforeſaid Allowance to the Managers, and other neceſſary Charges incident to the ſaid Lottery excepted) to be by them applied in the Manner aforeſaid. Of the due Diſpoſition of which ſaid Sum ſo to be paid to the ſaid Mayor, Aldermen, and Commonalty, they ſhall render true and diſtinct Accounts to his Honour the Lieutenant Governor, or Commander in Chief for the Time being, the Council, or the General Aſſembly, when by them, or any of them, thereunto required.

Lottery not filling by *November* next the Money to be returned.

V. **And be it further Enacted** *by the ſame Authority*, That in Caſe the Lottery by this Act directed, ſhall not be drawn before the firſt Day of *November* next, That then the Monies received by the ſaid Managers for Tickets ſold by Virtue of this Act, ſhall be repaid to the Poſſeſſor or Poſſeſſors of the ſaid Tickets.

2d GEORGE III A. D. 1762.

VI. **And be it further Enacted** *by the ſame Authority*, That if any Perſon or Perſons ſhall forge or counterfeit any Ticket or Tickets to be made in Virtue of this Act, or alter any of the Numbers thereof, or bring any forged or counterfeit Ticket or Tickets, whereof the Number is altered (knowing them to be ſuch) to the ſaid Managers, or any of them, to the Intent to defraud the Colony, or any Contributor or Adventurer in the ſaid Lottery: Every ſuch Perſon or Perſons (being thereof convicted in due Form of Law) ſhall be adjudged a Felon, and ſhall ſuffer Death as in Caſes of Felony, without Benefit of Clergy.

CHAP. CCLVIII.

An ACT *for apprehending Deſerters from His Majeſty's Service in the Pay of this Colony.*

Paſs'd 22d May, 1762.

WHEREAS it is ſaid ſome Perſons in ſeveral Parts of this Colony after inliſting into His Majeſty's Service, and receiving the Bounty allowed by this Colony for the ſame, in the ſeveral Campaigns during this War, have deſerted from the ſaid Service:

Deſerters from the former Campaigns during this War, to be ſeized and ſent on the preſent.

I. **Be it Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame*, That it ſhall and may be lawful for any Civil or Military Officer, or ſuch as are impowered to inliſt Men in His Majeſty's Service in the Pay of this Colony for the preſent Campaign; and they and each of them are hereby required to take and ſeize all ſuch Deſerter or Deſerters, wherever they may be found within this Colony, (except ſuch as may have ſerved in any one Campaign after ſuch Deſertion) and commit them to the Gaol of the City or County where they ſhall be found, and immediately give Intelligence thereof to the Governor, or Commander in Chief for the Time being, in Order that they may be ſent on the Service of the preſent Campaign.

Penalty for ſecreting or concealing any ſuch Deſerters

II. **And be it Enacted** *by the Authority aforeſaid*, That in Caſe any Perſon or Perſons whatſoever ſhall ſecrete or conceal any ſuch Deſerter or Deſerters, he, ſhe, or they ſo offending, ſhall reſpectively forfeit the Sum of *Fifty Pounds*, to be levied on the Goods and Chattles of ſuch Offenders reſpectively, by Warrant or Warrants to be iſſued by one of the Judges of the Inferior Courts of Common Pleas of the reſpective County or Counties where the Forfeitures ariſe, or by one of the Judges of the Supreme Court in the City of *New-York*, on due Proof made thereof before him: The One-half Part of which Forfeiture ſhall be to the Uſe of the Proſecutor, and the other Half to the Superviſors for defraying of the public Charge of the County where ſuch Forfeiture ſhall happen; and in the City of *New-York*, to the Chamberlain, for the Uſe of the ſaid City.

Reward for apprehending them.

III. **And be it Enacted** *by the Authority aforeſaid*, That the Treaſurer of this Colony ſhall be, and hereby is required, out of any Monies now in the Treaſury, and not appropriated for the Support of Government, to pay unto ſuch Perſon or Perſons that ſhall apprehend and ſecure any ſuch Deſerter or Deſerters as aforeſaid, the Sum of *Five Pounds*,

CHAP.

2d GEORGE III. A. D. 1762.

CHAP. CCLIX.

An ACT *to make Treſpaſſes committed on* Sandy-Hook, *in the Colony of* New-Jerſey, *actionable in this Colony, and for other Purpoſes therein mentioned.*

Paſs'd 22d May, 1762.

Preamble.

WHEREAS by a certain Act, entitled, *An* Act *for raiſing a Sum not exceeding* Three Thouſand Pounds, *by Way of Lottery, for building a Light-Houſe*; paſſed in the firſt Year of His preſent Majeſty's Reign, it was among other Things Enacted, That *John Cruger, Philip Livingſton, Leonard Liſpenard,* and *William Bayard,* Eſquires, or the major Part of them, ſhould be, and thereby were fully impowered and authoriſed to erect and eſtabliſh a Lottery or Lotteries, not exceeding Three, to raiſe the Sum of *Three Thouſand Pounds,* to be by them applied for and towards purchaſing ſo much of *Sandy-Hook,* as to them, or the major Part of them, ſhall ſeem neceſſary, and thereon to erect a proper Light-Houſe as ſoon as conveniently may be. Which ſaid Perſons ſo authoriſed as aforeſaid, having by Lottery, raiſed the Sum of *Two Thouſand Six Hundred and Sixty-four Pounds Fifteen Shillings and Six Pence,* for the Purpoſe aforeſaid.

£. 2664--15--6 raiſed by Lottery for a Light-Houſe at Sandy-Hook.

I. **Be it therefore Enacted** *by his Honour the Lieutenant Governor, the Council, and the General Aſſembly, and it is hereby Enacted by the Authority of the ſame,* That the Conveyance or Conveyances in the Law to be made and executed by the Vendor or Vendors of the Land ſo to be purchaſed as aforeſaid, ſhall be made and executed to, and the Lands ſo to be purchaſed as aforeſaid, ſhall veſt in *John Cruger, Philip Livingſton, Leonard Liſpenard,* and *William Bayard,* Eſquires, and the Survivor and Survivors of them, their Heirs and Aſſigns for ever: In Truſt nevertheleſs, and to and for ſuch Uſes and Purpoſes as by Act or Acts hereafter to be paſſed ſhall be mentioned and declared.

The Soil to be conveyed to Perſons named, in Truſt for the uſes to be declared by a future Law.

II. **And be it further Enacted** *by the Authority aforeſaid,* That in Caſe any Part of *Sandy-Hook* ſhall be purchaſed for, and applied to the Uſe of a Light-Houſe as aforeſaid: That then and in ſuch Caſe, it ſhall and may be lawful for the Proprietor or Proprietors of *Sandy-Hook,* from Time to Time for ever hereafter, to ſue, commence, and proſecute, to final Judgment and Recovery, in any Court or Courts of Law within this Colony, any Action or Actions for any Treſpaſs or Treſpaſſes that ſhall be committed on any Part of *Sandy-Hook* aforeſaid, by any Perſon or Perſons whatſoever, Inhabitants or Reſidents of this Colony: And all and every ſuch Action and Actions, are hereby as fully and abſolutely made cognizable in any Court or Courts of Law within this Colony, as if the ſame were had and brought for and concerning Lands lying within their reſpective Juriſdictions; any Law, Uſage or Cuſtom to the Contrary thereof in any Wiſe notwithſtanding. **Provided,** That if the Perſon or Perſons who ſhall have committed ſuch Treſpaſs as aforeſaid, ſhall be proſecuted for the ſame in the Province of *New-Jerſey,* no Action ſhall be brought in this Colony for the ſame Treſpaſs. **And Provided alſo,** That the Legiſlature of the Colony of *New-Jerſey,* do paſs a Law to exempt from Proſecution in the Courts there for ſuch Treſpaſſes as aforeſaid, ſuch Perſon or Perſons who ſhall have been ſued for the ſame Treſpaſs in any Court of this Colony.

When the Soil is purchaſed, Treſpaſſors on any Part of Sandy Hook, may be ſued in the Courts of this Colony.

Provided ſuch Treſpaſſor be not proſecuted in New-Jerſey,

And that a Law be paſſed there to exempt Perſons ſued here from being proſecuted there for the ſame Treſpaſs.

FINIS.



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